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ABSTRACT

This state plan is an application for funds under Part B of the Individuals with Disabilities Education Act (IDEA). This application contains Wisconsin's policies and procedures for complying with the requirements contained in IDEA regulations and the applicable Education Department General Administrative Regulations (EDGAR). This application will be in effect for 3 fiscal years, FY 1993, FY 1994, and FY 1995. The document begins with submission statements and certifications and then goes on to address substantive requirements. Specifically reported are Wisconsin policies, procedures, and programs in the following areas: the right to education policy statement, the full educational opportunities goal, child identification, individualized education programs, procedural safeguards, confidentiality of personally identifiable information, least restrictive environment, protection in evaluation procedures, responsibility of the state educational agency, the comprehensive system of personnel development, private schools, recovery of funds for misclassified children, notice and opportunity for hearing on application, annual evaluation, use of Part B funds, interagency agreements, and personnel standards. Each area is addressed in terms of Wisconsin requirements and references to both IDEA and state law. Correspondence and various supporting documents are attached. Also attached is an analysis of the state plan by the federal Office of Special Education Programs. (DB)

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WISCONSIN

STATE PROGRAM PLAN

FISCAL YEARS
1993-1995

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Individuals with Disabilities Education Act
Part B

WISCONSIN DEPARTMENT OF PUBLIC INSTRUCTION / HERBERT J. GROVER, STATE SUPERINTENDENT

EC302195

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Wisconsin State Program Plan
Fiscal Years 1993-1995
Individuals with Disabilities Education Act
Part B

Wisconsin Department of Public Instruction
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INTRODUCTION

This state plan is an application for funds under Part B of the Individuals with Disabilities Education Act (IDEA). This application contains Wisconsin's policies and procedures for complying with the requirements contained in IDEA regulations and the applicable Education Department General Administrative Regulations (EDGAR). This application will be in effect for three fiscal years, FY 1993, FY 1994, and FY 1995.

As used throughout this plan, public agency includes local educational agencies and any other political subdivisions of the state which are responsible for providing education to children with exceptional educational needs (EEN).

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PART I

SUBMISSION STATEMENT AND CERTIFICATIONS

A. SUBMISSION STATEMENT

I, the undersigned authorized official of the State Education Agency of Wisconsin, hereby submit the following state plan for fiscal years 1990-92 under Part B of the IDEA.

Signature

4/15/92
Date

Herbert J. Grover
State Superintendent
Wisconsin Department of Public Instruction

B. ASSURANCE STATEMENTS

The State of Wisconsin makes the following assurances and provisions as required by Part B of the IDEA as amended (20 U.S.C. 1411-1420):

- In carrying out the requirements of 20 U.S.C. 1412 procedures are established for consultation with individuals involved in or concerned with the education of children with disabilities, including individuals with disabilities and parents or guardians of children with disabilities (20 U.S.C. 1412(7)(A)).

- Programs and procedures will be established to assure that funds received by the state or any of its political subdivisions under any other federal program, including Subpart 2 of part D of Chapter 1 of Title I of the Elementary and Secondary Education Act of 1965 and Section 202(1) of the Carl D. Perkins Vocational Education Act, under which there is specific authority for the provision of assistance for the education of children with disabilities, will be utilized by the state, or any of its political subdivisions, only in a manner consistent with the goal of providing a free appropriate public education (FAPE) for all children with disabilities, except that nothing in this clause shall be construed to limit the specific requirements of the laws governing such federal programs (20 U.S.C. 1413(a)(2)).

- Federal funds made available under the act: (A) will not be commingled with state funds, and (B) will be so used as to supplement and increase the level of federal, state, and local funds (including funds that are not under the control of state or local educational agencies) expended for special education and related services provided to children with disabilities and will in no case be used to supplant such federal, state, and local funds except that where the state provides clear and convincing evidence that all children with disabilities have available to them a FAPE, the Secretary may waive in part the requirement of this clause if the Secretary concurs with the evidence provided by the state 20 U.S.C. 1413(a)(9)(B) and 20 U.S.C. 1414(a)(2)(B)(ii).

- The state has an advisory panel, appointed by the Governor or any other official authorized under state law to make such appointments 20 U.S.C. 1414(a)(2)(B)(ii), composed of individuals involved in or concerned with the education of children with disabilities, including individuals with disabilities, teachers, parents or guardians of children with disabilities, state and local education officials, and administrators of programs for children with disabilities which: (A) advises the state superintendent of unmet needs within the state in the education of children; (B) comments publicly on any rules or regulations proposed for issuance by the state regarding the education of children with disabilities and the procedures for distribution of funds under the Act; and (C) assists the state in developing and reporting such data and evaluations as may assist the secretary in the performance of his responsibilities under 20 U.S.C. 1418 and 20 U.S.C. 1413(a)(12).

- The IDEA, as amended, will not be construed by the state to permit the state to reduce medical or other assistance available under, or to alter the eligibility requirements of, programs funded in whole or in part through Title V (Maternal and Child Health) or Title XIX (Medicaid) of the Social Security Act, with respect to the provision of a FAPE for children with disabilities within the state.

NEW STATE PLAN REQUIREMENTS UNDER PART B OF THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT AS ADDED BY THE EDUCATION OF THE HANDICAPPED ACT AMENDMENTS OF 1990 (PUB. L. 101-476) AND THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT AMENDMENTS OF 1991 (Pub. L. 102-119)

Assurances Regarding Implementation of These Requirements During Fiscal Year 1993

For purposes of implementing provisions of the Education of the Handicapped Act Amendments of 1990 (Pub. L. 101-476) and the Individuals with Disabilities Education Act Amendments of 1991 (Pub. L. 102-119), which amend Part B of the Individuals with Disabilities Education Act (Act) (20 U.S.C. 1401, 1411-1420), the State of WISCONSIN makes the following assurances:

(1) In accordance with section 612(2) of the Act, throughout the period of the Fiscal Year (FY) 1993 grant award, the State's definition of "children with disabilities," or its equivalent, will include "children with autism" and "children with traumatic brain injury" as separate disability categories under Part B, as specified in section 602(a)(1) of the Act. As soon as possible, but no later than July 1, 1993, the State will make conforming changes to State statutes, regulations, or policies and procedures, as appropriate.

> **[If your State elects to include in its definition of "children with disabilities" for children aged three through five, "children experiencing developmental delays, as defined by the State and as measured by appropriate diagnostic instruments and procedures. . .," leave in the following paragraph, if not, cross out.]**

(2) In accordance with section 612(2) of the Act, throughout the period of the FY 1993 grant award, the State's definition of "children with disabilities," or its equivalent, for children aged three through five will include "children experiencing developmental delays, as defined by the State and as measured by appropriate diagnostic instruments and procedures. . .," in accordance with the criteria specified in section 602(a)(1)(B) of the Act.

(3) In accordance with section 612(2) of the Act, throughout the period of the FY 1993 grant award, the State's definition of "special education," or its equivalent, will add "instruction in other settings" to the list of settings in which "specially designed instruction" may be provided to children with disabilities, as required by section 602(a)(16) of the Act. As soon as possible, but no later than July 1, 1993, the State will

make conforming changes to State statutes, regulations, or policies and procedures, as appropriate.

(4) In accordance with section 612(2) of the Act, throughout the period of the FY 1993 grant award, the State's definition of "related services," or its equivalent, will include "rehabilitation counseling" and "social work services" as eligible related services, as required by section 602(a)(17) of the Act. As soon as possible, but no later than July 1, 1993, the State will make conforming changes to State statutes, regulations, or policies and procedures, as appropriate.

(5) In accordance with section 612(4) of the Act, throughout the period of the FY 1993 grant award, each public agency in the State will implement individualized education programs (IEPs) for students with disabilities, as provided in section 614(a)(5) of the Act, which IEPs include the following provisions, as required by section 602(a)(19) and (a)(20) of the Act:

> (A) A statement of needed transition services for students with disabilities beginning at age 16 and each year thereafter, and to the extent appropriate, for students with disabilities 14 years of age or younger;
>
> (B) Where appropriate, a statement of interagency responsibility if a State or local agency, other than the public agency responsible for the student's education, is responsible for providing or paying for needed transition services;
>
> (C) Where a participating agency, other than the public agency responsible for the student's education, has failed to provide agreed upon transition services, a statement that the public agency will reconvene a meeting of the participants on the IEP team to identify alternative strategies to meet the transition objectives in the student's IEP; and
>
> (D) That with respect to IEPs of students with disabilities, "transition services" has the same meaning as the term "transition services," as defined in section 602(a)(19) of the Act.

As soon as possible, but no later than July 1, 1993, the State will make conforming changes to State statutes, regulations, or policies and procedures, as appropriate.

(6) In accordance with section 613(a)(3) of the Act, throughout the period of the FY 1993 grant award, the State will implement a comprehensive system of personnel development (CSPD), consistent

with the purposes of the Act and with the CSPD described in section 676(b)(8) of Part H of the Act, that shall include--

(A) a description of the procedures and activities the State will undertake to ensure an adequate supply of qualified special education and related services personnel, including--

(i) the development and maintenance of a system for determining, on an annual basis--

(I) the number and type of personnel, including leadership personnel, that are employed in the provision of special education and related services, by area of specialization, including the number of such personnel who are employed on an emergency, provisional, or other basis, who do not hold appropriate State certification or licensure; and

(II) the number and type of personnel, including leadership personnel, needed, and a projection of the numbers of such personnel that will be needed in five years, based on projections of individuals to be served, retirement and other leaving of personnel from the field, and other relevant factors;

(ii) the development and maintenance of a system for determining, on an annual basis, the institutions of higher education within the State that are preparing special education and related services personnel, including leadership personnel, by area of specialization, including--

(I) the numbers of students enrolled in such programs, and

(II) the number who graduated with certification or licensure, or with credentials to qualify for certification or licensure, during the past year; and

(iii) the development, updating, and implementation of a plan that--

(I) will address current and projected special education and related services personnel needs, including the need for leadership personnel; and

(II) coordinates and facilitates efforts among State and local educational agencies, institutions of higher education, and professional associations to recruit, prepare, and retain qualified personnel, including personnel from minority backgrounds, and personnel with disabilities; and

(B) a description of the procedures and activities the State will undertake to ensure that all personnel necessary to carry out this part are appropriately and adequately prepared, including--

(i) a system for the continuing education of regular and special education and related services personnel;

(ii) procedures for acquiring and disseminating to teachers, administrators, and related services personnel significant knowledge derived from education research and other sources; and

(iii) procedures for adopting, where appropriate, promising practices, materials, and technology.

As soon as possible, but no later than July 1, 1993, the State will make conforming changes to State statutes, regulations, or policies and procedures, as appropriate.

(7) In accordance with section 613(a)(15) of the Act, throughout the period of the grant award, the State will have in effect policies and procedures relating to the smooth transition for those individuals participating in the early intervention program assisted under Part H of the Act who will participate in preschool programs assisted under Part B of the Act, including a method of ensuring that when a child turns age three, an individualized education program, or, if consistent with sections 614(a)(5) and 677(d), an individualized family service plan, has been developed and is being implemented by such child's third birthday. As soon as possible, but no later than July 1, 1993, the State will make conforming changes to State statutes, regulations, or policies and procedures, as appropriate.

(8) In accordance with section 612(4) of the Act, throughout the period of the FY 1993 grant award, for each child with a disability aged three through five, if consistent with State policy and at the discretion of the local educational agency or intermediate educational unit, and with the concurrence of the parents or guardian, each local educational agency or intermediate educational unit in the State, by the beginning of each school year, will establish an individualized education program for each child with a disability or an individualized family service plan described in section 677(d), and will then review and, if appropriate, revise its provisions periodically, but not less than annually. As soon as possible, but no later than July 1, 1993, the State will make conforming changes to

State statutes, regulations, or policies and procedures, as appropriate.

(9) Throughout the period of the FY 1993 grant award, the State will comply with all requirements of Part B of the Act, including any Departmental regulations amending 34 CFR Part 300 that became final and effective by the date on which your State received its FY 1993 grant award.

Herbert J. Grover, State Superintendent
Typed Name and Title of Authorized State Official

Herbert J. Grover 5/19/92
Signature Date

C. GENERAL STATE APPLICATION - EDGAR ASSURANCE

The Department of Public Instruction (DPI) provides assurances that it will comply with the provisions contained in 34 CFR 76.101.

D. CERTIFICATIONS REQUIRED BY EDGAR

In accordance with 34 CFR 76.104 the state educational agency assures that:

- The plan is submitted by the state agency that is eligible to submit the plan.
- The state agency has authority under state law to perform the functions of the state under the program.
- The state legally may carry out each provision of the plan.
- All provisions of the plan are consistent with state law.
- A state officer, specified by title in the certification, has authority under state law to receive, hold, and disburse federal funds made available under the plan.
- The state officer who submits this plan, specified by title in the certification, has authority to submit the plan.
- The agency that submits the plan has adopted or otherwise formally approved the plan.
- The plan is the basis for state operation and administration of the program.

E. EXECUTIVE ORDER 12372

Wisconsin certifies that to the best of our knowledge and belief the data in this state plan are true and correct, the document has been duly authorized by the governing of the state education agency and the state will comply with the attached assurances if the state plan is approved.

The state plan was submitted to the state's "single point or contact" under Executive Order 12372 on April 15, 1992.

F. CIVIL RIGHTS CERTIFICATE

ASSURANCE OF COMPLIANCE WITH TITLE VI OF THE CIVIL RIGHTS ACT OF 1964, SECTION 504 OF THE REHABILITATION ACT OF 1973, TITLE IX OF THE EDUCATION AMENDMENTS OF 1972, AND THE AGE DISCRIMINATION ACT OF 1975.

The applicant provides this assurance in consideration of and for the purpose of obtaining federal grants, loans, contracts (except contracts of insurance or guaranty), property, discounts, or other federal financial assistance to education programs or activities from the United States Department of Education.

The applicant assures that it will comply with:

- Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000d et seq., which prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving federal financial assistance.
- Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794, which prohibits discrimination on the basis of handicap in programs and activities receiving federal financial assistance.
- Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. 1681 et seq., which prohibits discrimination on the basis of sex in education programs and activities receiving federal financial assistance.
- The Age Discrimination Act of 1975, as amended, 42 U.S.C. 6101 et seq., which prohibits discrimination on the basis of age in programs or activities receiving federal financial assistance.
- All regulations, guidelines, and standards lawfully adopted under the above statutes by the United States Department of Education.

The applicant agrees that compliance with this assurance constitutes a condition of continued receipt of federal financial assistance, and that it is binding upon the applicant, its successors, transferees, and assignees for the period during which such assistance is provided. The applicant further assures that all contractors, subcontractors, subgrantees or others with whom it arranges to provide services or benefits to its students or employees in connection with its education programs or activities are not discriminating in violation of the above statutes, regulations, guidelines, and standards against those students or employees. In the event of failure to comply the applicant understands that assistance can be terminated and the applicant denied the right to receive further assistance. The applicant also understands that the Department of Education may at its discretion seek a court order requiring compliance with the terms of the assurance or seek other appropriate judicial relief.

The person whose signature appears below is authorized to sign this application, and to commit the applicant to the above provisions.

4/15/92
Date

Herbert J. Grover
State Superintendent
Wisconsin Department of Public Instruction

G. PUBLIC PARTICIPATION

Considerable interaction has occurred between the DPI and the public in recent months as the state plan for FY 1993-95 has been developed and reviewed. Efforts to involve the public are, in fact, an on-going activity with a number of specific activities having occurred recently.

The DPI has revised state statutes and the administrative rules (PI 11) governing programs for children with disabilities. The public responded well to a call for comment, and this input was used by the DPI in drafting the revised rules. Many of the policies in revised rules are currently in practice and reflected in the plan.

The section of the plan receiving the most public comment was the section on services in need of improvement which defines those areas targeted for use of discretionary monies. An extensive needs assessment process defined priority areas for emphasis in 1993-95. The process began with the DPI staff and the state advisory panel using a nominal group process to identify issues of concern in serving the needs of EEN children. Results of these processes were shared with the Regional Service Network (RSN) Coordinators from each of the twelve Cooperative Educational Service Agencies (CESAs) in Wisconsin. The RSNs in turn convened local advisory groups and/or focus groups to also identify priority area issues. The results of these CESA efforts were returned to the DPI. The DPI also sent more than 60 individual letters to the education interest and advocacy groups requesting their input as to what the state plan's priority area issues ought to be.

Prior to the adoption of the complete state plan for FY 1993-95 the DPI made the plan available to the general public, held public hearings, and provided an opportunity for comment by the general public on the plan.

The DPI provided notice to the general public of the hearings and opportunity to comment through a legal notice published in the Milwaukee Sentinel newspaper. In addition, a general notice was provided through press releases and sent to approximately 1,000 persons concerned with the education of children with disabilities through DPI legal mailing. (see Appendix T) The plan was available to the public 60 days prior to final submission and the public had 30 days to comment.

Before adopting the final plan the DPI reviewed and considered all public comments and made modifications where feasible. (see Appendix U) Once the United States Department of Education has approved the final plan, the DPI will announce that the plan is approved and provide information on how copies may be obtained. Announcements will include press releases and legal notices.

PART II. SUBSTANTIVE REQUIREMENTS

A. POLICIES, PROCEDURES AND DESCRIPTIONS

Overview

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II. Full Educational Opportunities Goal 20 U.S.C. 1412(A); 20 U.S.C. 1418(b)(6); 34 CFR 300.123-126 (see Footnote #1) — 11-13

III. Child Identification 20 U.S.C. 1412(2)(C); 34 CFR 300.128 — 14-15

IV. Individualized Education Program 20 U.S.C. 1412(4); 34 CFR 300.130 — 16-17

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[1] Full Educational Opportunity Goal. Data requirements for 34 CFR 300.124-126 are met through the submission of the state plan, the Annual Data Report and the Annual Performance Report.

[2] Least Restrictive Environment. Data requirements for 34 CFR 300.132 are met through the submission of the Annual Data Report (ED 869).

[3] Comprehensive System of Personnel Development. It is not necessary to include in the state plan tabular data on personnel employed and personnel needed. These data are now submitted in the Annual Data Report (ED 869).

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I. RIGHT TO EDUCATION POLICY STATEMENT

It is the policy of the State of Wisconsin to provide a free appropriate public education (FAPE) to all children with EEN under the age of 21 years and, for the duration of a school term, any person who becomes 21 years old during that school term pursuant to s. 115.76(2) and s. 115.85(1), Wis. Stats. Subchapter V, Chapter 115, Wisconsin Statutes, established this policy as law in 1973. (see Appendix A)

Children "with disabilities" under PL 101-476: Individuals with Disabilities Education Act are defined as "children with exceptional educational needs" in Wisconsin. "Children with exceptional educational needs" means children who have a mental, physical, emotional or learning disability which, if the full potential of the child is to be attained, requires educational services to the child to supplement or replace regular education and the child must have one or more of the following handicapping conditions: a) physical or orthopedic disability, b) cognitive disability or other developmental disability, c) hearing impairment, d) visual disability, e) speech or language disability, f) emotional disturbance, g) learning disability, or h) any combination of conditions named by the state superintendent or enumerated in a) through g). The state's definitions of hearing impairment and visual disability combine to equate to the federal deaf-blind definition. (see Appendix B) DPI is currently in the process of amending state statute to include traumatic brain injury (TBI) and autism. There are provisions at the state level to statutorily add TBI and autism as conditions named by the state superintendent. As rules and regulations are promulgated at the federal level, Wisconsin will take the appropriate steps to include these categories to statute and rule. (see Appendix C)

A free appropriate public education means special education and related services as are necessary to assist a child to benefit from special education, which are provided at public expense with no charge to the parent, are provided in conformity with an individualized education program, meet state standards and the requirements of IDEA, and include preschool, elementary, and secondary education. When a public agency places a child in a residential program for educational purposes, non-medical care, room and board are also provided at no cost to the parent.

This policy applies to all public agencies in the state which are directly responsible for providing education to children with EEN. These agencies include school districts, Department of Health and Social Services (DHSS) state-operated programs, and DHSS 51.44 HSS90 Part H of IDEA and the Department of Corrections (DOC). DHSS includes the Divisions of Youth Services (Juvenile Corrections) and Community Services at the department level and, at the local level, county departments of social services, community mental health and developmental disabilities boards. DOC includes all adult correctional facilities in the state.

Children are placed in programs operated and funded by DHSS for the primary purpose of care, treatment or habilitation. When a child is placed by DHSS or by a court in a DHSS program for the purpose of care, treatment or habilitation, and when the child is found to have an EEN as determined through an individual multidisciplinary team evaluation (M-team), an individualized education program (IEP) is developed and the child is individually placed in a special education program to meet the child's educational needs. The special education and related services are provided at no cost to the parent. Parents are charged for noneducational services when the child is placed for care, treatment or habilitation. These charges cover the cost of care, maintenance, services, and supplies and are imposed on all parents regardless of whether the child is EEN or not. (See Appendices C, D, and E).

DHSS is responsible for ensuring the provision of special instruction to children below the age of three. This responsibility is implemented in Wisconsin through the county system, and Wisconsin is implementing emergency rules in compliance with Part H, fourth year requirement. (see Appendices F and G)

Wisconsin has a number of interagency agreements which facilitate providing a FAPE to identified EEN children:

- joint agreement between the DPI and the DHSS (see Appendix D)
- joint agreement between the DPI and the DHSS DVR (see Appendix H)
- joint agreement between the DPI and Head Start (see Appendix I)
- joint agreement between DPI and DHSS (see Appendix J)
- joint agreement (draft) between DPI and DOC (see Appendix K)

The DPI/DHSS interagency agreement signed June 13, 1989, identifies the statutory basis for the responsibility for children with EEN. This agreement also provides for the resolution of any disputes between the agencies. This agreement will be a basis for any future agreements.

The Departments of Public Instruction, Health and Social Services, and Corrections have established an interagency management committee which meets regularly to identify issues that are of mutual concern to the state agencies and the local agencies which they supervise. When an issue is identified that requires a formal agreement, staff are assigned to develop a draft interagency agreement for review and possible revision by the management committee. Following review by the management committee, recommendations are made to the state superintendent of public instruction and the secretaries of DHSS and DOC. One such issue dealt with the Office of Special Education Programs (OSEP) audit findings of 1988 on the question of special education in child caring institutions. We are in the process of completing statues, rules and regulations regarding CCIs as indicated in the corrective action plan sent to OSEP. (see Appendix L)

II. FULL EDUCATIONAL OPPORTUNITIES GOAL

It is the goal of the State of Wisconsin to provide full educational opportunities for all children with EEN under the age of 21 in accordance with the goal established by IDEA. The state superintendent annually reports on this goal to the governor and state legislature. Wisconsin Statutes presently mandate local school districts provide special educational services to children with EEN who are 3 years to the age of 21 and, for the duration of a school term, any person who becomes 21 years old during that school term. DHSS is responsible for the provision of early intervention to infants and toddlers below the age of three. Wisconsin is participating in the Part H program. The lead agency for the state is the DHSS.

In meeting the goal of providing full educational opportunities public agencies ensure that children with EEN have available to them the same variety of educational programs and services, such as art, music, and vocational education, which are available to children without disabilities. Non-academic and extra-curricular activities shall be provided to allow equal opportunity for participation by EEN children.

The DPI/DHCPS monitors and supervises local educational agency special education programs. Program approval is made prior to the release of state and federal funds. The division's activities ensure a full educational opportunity for all EEN children.

While all EEN children in Wisconsin have available to them full educational opportunities, the department recognizes that particular programs and services warrant increased emphasis. An extensive needs assessment process defined areas which receive emphasis in 1993-95. (see Appendix T) An analysis of this public input resulted in six major areas of emphasis for 1993-95. These areas are as follows:

- **Improve Recruitment, Preservice Training and Retention of School Personnel**

  The recent study, Wisconsin Teacher Supply and Demand (1991), shows personnel shortages in special education, too many emergency licenses in special education fields, particularly Emotionally Disturbed (ED) and Learning Disabled (LD), teacher shortages in urban and rural areas, and a need for more diversity in those entering teaching.

  Public input into the state plan highlighted a need for teacher training institutions to better train new teachers, both in special and regular education, so they understand the realities of today's student needs and are able to integrate special education and regular education. Public input noted the need to provide inservice and leadership training for existing school personnel: teachers, administrators, special education directors, support staff, and special education program aides.

  The department will assist agencies in supporting teachers employed on emergency licenses in areas of critical need. These funds may be used to pay expenses (e.g., fees, books, substitute teacher salaries for release time, transportation costs, related expenses, and annual recertification license fees) and provide support (e.g., local teacher mentors, program-support teachers, innovative local programs, and/or various incentives and rewards) to teachers during the period when they are concurrently responsible for teaching learners with EEN. Priority will be given to proposals which address the most critical needs and demonstrate a potential for ongoing support for the fully certified and licensed teacher and the respective special education program over time.

- **Align Special Education Initiatives With Education Reform Agenda**

  In Wisconsin much is happening under the heading of "education reform." One of the key education restructuring issues being discussed is teacher empowerment/site-based management. Teacher empowerment/site-based management is usually placed in the context of a school or a district being provided more flexibility in how to design and deliver services.

These "regular" education reforms are coming at the same time special educators are implementing more integration of special and regular education. Much of the education reform debate at the national and state level has not specifically addressed the needs of individuals with disabilities. This initiative will involve parents and special educators in integrating special education into education reforms.

More specifically, the department will fund projects which create a defined role for special educators and parents in the following "education reform" areas: training for site-based management teams, team-building activities for regular and special educators, integrating students in cooperative programs in regular education settings, designing strategic plans for school restructuring, implementing outcome-based education models, and providing training and follow-up for total quality management designs.

- **Promote Transition Activities**

One of the significant amendments to IDEA is the requirement for transition services planning in the IEP for all students aged 16 and above. This innovation parallels Wisconsin's own school-to-work initiative for all students. Wisconsin's 1991-93 Biennial Budget included comprehensive school-to-work legislation which expands secondary and post-secondary educational opportunities for students -- Youth Apprentice Program, Technical Preparation Program, revised child labor laws, Tenth Grade Gateway Assessment Program, Post-Secondary Options Program, and Education for Employment Program. The express purpose of all these initiatives is to create better school-to-work pathways for all children.

Wisconsin proposes to improve transition services for students with disabilities by melding the transition principles of IDEA with our school-to-work program innovations for all students. Projects will be given priority which promote the inclusion of students with disabilities in all the school-to-work initiatives emerging in Wisconsin; multi-agency participation in IEPs which develop transition service commitments; administrative level multi-agency committees responsible for transition agreements, services and policy development; the development of local multi-agency student outcome follow-up systems; multi-disciplinary and multi-agency staff training on transition service process and needs, team building, employment issues, independent living issues and post-secondary education issues; parent and student self-advocacy training; needed related services; and development of relevant, market-based vocational curriculum in collaboration with vocational education and local Private Industry Councils.

The projects will be evaluated on their attention to improving the school outcomes of productive employment, community participation, and post-secondary education and training for students with disabilities. The projects must address involvement of the entire community (school, service agencies, employers, families, friends, vocational schools, colleges, volunteer organizations) in order to provide students with disabilities successful transition from school to adulthood.

- **Improve the Learning Outcomes for Children With Disabilities**

In the past several years, much has happened in special education: a new emphasis on early intervention programs, the Regular Education Initiative debate, the new requirements of IDEA, and the reexamination of the effectiveness of the special education model and its integration with regular education. During the same time, regular education underwent the education reform movement triggered by A Nation At Risk and is now undergoing a school restructuring/transformation debate. The focus of this debate seems to center on shifting from ensuring proper procedure and programmatic inputs to measuring accountability by documenting improved student outcomes/learning. Compounding this organizational change debate is the fact that the demographics of who is coming to school is dramatically changing as is the nature of families.

The department will support innovative approaches which target funding and staff resources to focus on encouraging educators to evaluate programs and processes in terms of whether student outcomes/learning improved. Projects which focus on improving the learning of children could involve evaluation of different instructional approaches, longitudinal studies of student progress, and the use of portfolios and authentic assessment.

The department also encourages the development of efforts and innovative approaches to integrating children with disabilities and peers without disabilities in the school, community, and home. Examples of ways in which this goal might be accomplished include relocating instructional programs, and providing consultation/training programs to students and school staff through a variety of resources. In addition, the department will encourage and support the development of new uses of technology that are particularly innovative and hold unusual promise for improving integration and special education programming.

- **Empowering Parents and Involving Families**

Study after study has shown parental involvement, both at school and at home, to be a key to any successful school program. IDEA has, as a principle, empowered parents as partners with school professionals in the decision-making process concerning their children's special education. Recognizing the importance of family involvement to school success, the department has since 1987 promoted a statewide program, Families in Education, in all school districts. While educating and training parents is important because they are part of their children's special education decision-making process, there is also a need to help families learn how to live with a member who has disabilities. In short, families need access to education, training and support not only to be effective advocates and helpers for their children but also to be strong and healthy families.

The department will fund innovative projects under this priority which emphasize training parents to be advocates for their children and better informed partners with school personnel in the special education decision-making process.

- **CSPD for Staff Development and Leadership Training**

The department is responsible for creating, maintaining and evaluating a comprehensive system of personnel development (CSPD) to ensure that all personnel necessary to carry out the purpose of IDEA and Subchapter V, Chapter 115, are qualified. The target audiences include not only special education instructional personnel but also all school personnel, other professionals and parents who identify and educate individuals with disabilities. Over the past several years the DPI has developed a CSPD framework for staff development and leadership training at the state, regional and local levels which allow the department to provide training, respond to issues and facilitate change.

During FY 1993-95 the department will maintain the existing CSPD framework so it can provide information, furnish needed training, supply leadership enhancement and facilitate change as it helps special and regular education teachers, support personnel, parents and other professionals.

In addition, the department will focus on improving inservice/information system capabilities and offering direct leadership and other support for training programs that respond to specific topical issues. Topical issues that will receive consideration for funding include school to community transition programming, strategies for implementing local CSPD programs, providing educational programs to children with special health conditions, high cost/difficult to serve children, parent-educator partnerships, and integrating children with disabilities and peers without disabilities. In addition, consideration will be given to the development of public awareness programs and to providing information and inservice to general educators and students without disabilities.

III. CHILD IDENTIFICATION

It is the policy of the State of Wisconsin to ensure the identification, location, and evaluation of all children ages birth through 21 who are in need of special education and related services. In July 1976, DPI/DHCPS assumed statewide leadership for planning and implementing a child identification effort. Procedures for screening, referral, and M-team evaluation are defined in s.115.80 (1)-(2), Wis. Stats. Wis. Admin. Code, s.PI 11.02,11.03 and 11.04 further define the public agency's responsibility for identifying handicapped children.

Child identification efforts focus on:

- public awareness/outreach activities to inform the public of the search for children and the services available
- interagency cooperation to facilitate referrals and the transfer of children between and among different service agencies to ensure smooth transitions
- data management and collection to provide continuous information on children suspected or identified as having an EEN

All school districts are required to conduct child identification efforts on their own or in cooperation with a Cooperative Educational Service Agency (CESA) or a County Handicapped Children's Education Board (CHCEB) and to develop procedures to ensure the activities are continuous within their system. Monitoring by DPI reviews these procedures and works to ensure interagency cooperation.

The Wis. Admin. Code, s.PI 11.03 (1)(e) requires the development of inservice programs to familiarize district employees with behavioral descriptors which might indicate an EEN. The department has developed inservice materials to train regular educators to screen for EEN. Training packages, which continue to be disseminated, include "Screening for Emotional Disturbance" and "Decisions: Screening for Learning Disabilities." A new training package now being disseminated, "Strategies: Effective Practices for Teaching All Children," also aids in assisting teachers in screening as well as teaching all children.

Children in Wisconsin who are identified as having an EEN are receiving special education and related services. Data management and collection procedures, DHCPS monitoring of public agencies and DHCPS complaint procedures provide the basis for determining whether children are or are not receiving a FAPE. Success of statewide child identification efforts is supported by the fact that there has been only one due process hearing on identification in recent years.

Active participation from other professionals and agencies in child identification efforts is reflected in Wisconsin law and rules:

s.115.80 (1) (a), Wis. Stats:

> "A parent or a physician, nurse, teacher at a state or county residential facility, psychologist, social worker or administrator of a social agency who has reasonable cause to believe that a child brought to him or her for services has exceptional educational needs shall report the name of the child and any other information required to the school board for the district or governing body of a state or county residential facility in which the child resides or to the division except as provided in par. (b)."

s.PI 11.03 (1)(a), Wis. Admin. Code:

> **PI 11.03 Special education screening and EEN referrals.** (1) SPECIAL EDUCATION SCREENING. (a) A board shall have an ongoing special education screening program to locate and screen all children who are residents of the school district and who have not graduated from high school. A board may coordinate its special education screening program with other educational, medical and social service agencies' screening programs conducted within the district such as those for the early and periodic screening, diagnosis and treatment program in 42 CFR ss.441.50 to 441.62, day care agencies, perinatal clinics and mental health facilities.

The child identification activity is concerned with identifying children at an early age. Parents who suspect a child below the age of three of having a disability are encouraged to contact the appropriate public agency for an evaluation. The developmental disabilities boards, community service programs, and the county human services programs serve the majority of infants and toddlers with disabilities in Wisconsin. However, some school districts, under permissive legislation, serve children with disabilities under the age of three pursuant to s.115.85(1)(b), Wis. Stats. School districts are required to screen and evaluate children under the age of three pursuant to s.115.80(2) and (3), Wis. Stats. (see Appendix V)

IV. INDIVIDUALIZED EDUCATION PROGRAM

It is the policy of the State of Wisconsin that each public agency responsible for the education of children with EEN develop, implement, review and revise an individualized education program (IEP) in accordance with the requirements IDEA and its regulations. This includes children who are referred to a private school or facility by a public agency or who are enrolled in a private school and receiving special education and related services from a public agency. As a result of the 1989 Program Administrative Review, Wisconsin revised its policies and procedures for developing, implementing, reviewing, and revising each child's IEP. (see PI 11.05) The DPI/DHCPS monitors public agencies to ensure that these requirements are met.

Each public agency shall provide special education and related services to a child with a disability in accordance with an IEP. IEPs are in effect before special education and related services are provided to a child with EEN and are implemented as soon as possible following the IEP meeting. The IEPs must be in effect at the beginning of the school year. To be in effect prior to the provision of services, public agencies have been directed to develop the IEP after the evaluation team determines that the child has an EEN and before obtaining parental consent for placement in a special education program. An IEP meeting is held within 30 calendar days of a determination that the child needs special education and related services. Public agencies initiate and conduct IEP meetings for the purpose of developing, reviewing, and revising a child's IEP. A meeting must be held for this purpose at least once a year.

Participants at an IEP meeting include:

- a representative of the public agency, other than the child's teacher, who is qualified to provide or supervise the provision of special education
- the child's teacher (who may be the child's regular teacher or a teacher qualified to provide education in the type of program in which the child may be placed if the child is first being considered for special education or both)
- one or both of the child's parents
- the child when appropriate

Other individuals may attend at the discretion of the parent or agency. For a child evaluated for the first time, one of the following individuals who is knowledgeable regarding the evaluation procedures used with the child and familiar with the results of the evaluation participates in the IEP meetings: a member of the evaluation team or a representative of the public agency or the child's teacher or some other individual. The director of special education or program designee is responsible for the IEP process and appointment of the IEP meeting participants.

To ensure that one or both of the child's parents are present at each IEP meeting or are afforded the opportunity to participate, public agencies notify parents of the meeting early enough to ensure that they will have an opportunity to attend and schedule the meeting at a mutually agreed upon time and place. The notification of the meeting indicates the purpose of the meeting, time, location, and who will be in attendance. If neither parent can attend an IEP meeting, alternatives shall be used to ensure participation such as individual or conference telephone calls. The public agency must take whatever action is necessary to ensure that the parent understands the proceedings at a meeting, including arranging for an interpreter for parents who are deaf or whose native language is other than English, and give the parent, upon request, a copy of the IEP. If the public agency is unable to obtain parental participation, the meeting may be conducted without the parents but detailed records must be kept to document attempts to arrange a mutually agreeable time and place, telephone calls made or attempted and results of those calls, copies of correspondence sent to parents and responses if any, and detailed records of visits to parent's home or place of employment and results of those visits. The public agency shall give the parent a copy of the IEP upon request.

The IEP for each child must include:

- a statement of the child's present level of educational performance
- a statement of annual goals including short-term instructional objectives
- a statement of the specific special education and related services, including physical education, to be provided to the child and the extent to which the child will be able to participate in regular education programs (the statement includes the areas in which specially designed instruction is necessary to meet the unique needs of the child with EEN and the related services required to assist the child to benefit from special education)
- the projected dates for initiation of services and the anticipated duration of the services
- appropriate objective criteria and evaluation procedures and schedules for determining; on at least an annual basis, whether the short-term instructional objectives are being achieved
- a statement of the needed transition services for students beginning no later than age 16 and annually thereafter (and, when determined appropriate for the individual, beginning at age 14 or younger) including, when appropriate, a statement of the interagency responsibilities or linkages (or both) before the student leaves the school setting (see Appendix W)

Before a public agency places a child with EEN or refers a child to a private school or facility, the public agency must initiate and conduct the required IEP meeting for the purpose of developing an IEP for the child. The public agency must ensure that a representative of the private school or facility attends the meeting. If the representative cannot attend, the agency must use other methods to ensure participation by the private school or facility including individual or conference telephone calls. After a child with EEN enters a private school or facility, any meetings to review and revise the child's IEP may be initiated and conducted by the private school or facility at the discretion of the public agency. If the private school or facility initiates and conducts these meetings, the public agency must ensure that the parents and a public representative are involved in any decision about the child's IEP and agree to any proposed changes in the program before those changes are implemented. Even if a private school or facility implements a child's IEP, responsibility for compliance with this policy remains with the public agency and the DPI/DHCPS.

If a child with EEN is enrolled in a parochial or other private school and receives special education and related services from a public agency, the public agency initiates and conducts meetings to develop, review, and revise an IEP according to the IEP meeting requirements and ensures that a representative of the parochial or other private school attends each meeting. If the representative cannot attend, the agency uses other methods to ensure participation by the private school including individual or conference telephone calls.

V. PROCEDURAL SAFEGUARDS

It is the policy of the State of Wisconsin that children with EEN and their parents will be afforded due process of the law according to the provisions of IDEA and regulations as they are detailed in s.115.18 and PI 11.08 through PI 11.11.

Independent Educational Evaluation

Parents of a child with EEN have the right to obtain an independent educational evaluation of their child. The independent educational evaluation shall be conducted by a qualified examiner who is not employed by the public agency responsible for the education of the child. Each public agency shall provide to parents, on request, information about where an independent educational evaluation may be obtained.

An independent educational evaluation shall be provided at public expense if a parent requests the evaluation and disagrees with the evaluation obtained by the public agency and if the public agency does not initiate a hearing to show that its evaluation is appropriate. If the public agency's evaluation is deemed appropriate, the parent still has the right to an independent educational evaluation but at private expense. If the parent obtains an independent educational evaluation at private expense, the results of the evaluation must be considered by the public agency in any decision made with respect to the provision of a FAPE and may be presented as evidence at a hearing.

If a hearing officer requests an independent educational evaluation as part of a hearing, the cost of the evaluation shall be at public expense.

Whenever an independent educational evaluation is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, shall be the same as the criteria which the public agency uses when it initiates an evaluation.

Written Notice

Each public agency shall give parents written notice within a reasonable time prior to the public agency proposal or refusal to initiate or change the identification, evaluation, or educational placement of a child or the provision of a FAPE.

The written notice shall include:

- a statement informing parents of all the procedural safeguards available
- a description of the action proposed or refused by the agency, an explanation of why the agency proposes or refuses to take the action, and a description of any options the agency considered including the reasons why those options were rejected
- a description of each evaluation procedure, test, record, or report on which the action is based
- a description of any other factors which are relevant to the action

The procedural safeguards statement includes the requirement that agencies inform the parents of the general type of evaluation instruments to be used, the purpose for the evaluations, the area to be evaluated, and the type of professional who will conduct the evaluation. The placement decision offered shall include a justification statement. This statement must include a discussion of the findings and the influence of those findings on the placement decision. In addition, agencies are required to send a copy of the findings and recommendations of the M-team to the parents. These findings include a discussion of the evaluations conducted and their influence on the recommendations pursuant to Wis. Stats. s.115.81 (2).

The written notice shall be written in language understandable to the general public and provided in the native language of the parent or other mode of communication used by the parent unless it is clearly not feasible to do so. DPI has translated notices into Spanish and Hmong.

If the native language or other mode of communication used by the parent is not a written language, each public agency shall take steps to ensure:

- the notice is translated to the parent orally or by other means in his or her native language or other mode of communication
- the parent understands the content of the notice
- there is written evidence that these requirements have been met

Parental Consent

Parental consent shall be obtained before conducting a preplacement M-team evaluation and initially placing a child in a special education program. Except for these instances, consent is not required as a condition of any benefit to the parent or child. Parental consent is not required prior to conducting the mandatory three-year reevaluation; however, the parent must be sent written notice, as required above, prior to conducting the reevaluation. If a parent refuses to grant consent for evaluation or placement, the public agency may request a hearing to determine if the child may be evaluated or provided special education and related services without parental consent. If the hearing officer upholds the public agency, the agency may evaluate or place the child without parental consent; however, the parent has the right to appeal the hearing officer's decision. Parental consent may be revoked at any time during the process.

Opportunity to Examine Records

Public agencies, including the DPI, which maintain educational records shall provide parents with the opportunity to inspect and review all educational records maintained regarding the identification, evaluation, educational placement of the child and the provision of a FAPE to the child.

Hearings and Appeals

A parent or a public agency responsible for the education of a child may initiate a hearing on a proposal or refusal for identifying, evaluating, or placing a child in a special education program or for the provision of a FAPE to the child. Parents can appeal the appropriateness of the special education program or failure to provide an appropriate program at any time and as often as they wish. The public agency shall inform the parent, upon request, of any free or low-cost legal and other relevant services available, or if the parent or agency initiates a hearing. The public agency responsible for the education of the child shall arrange for the hearing which will be conducted by an impartial hearing officer. A hearing may not be conducted by a person who is an employee of the public agency which is involved in the education or care of the child nor by any person having a personal or professional interest which would conflict with his or her objectivity in the hearing including a school board or other public agency board official. A hearing officer is not an employee of the agency solely because he or she is paid by the agency to serve as a hearing officer.

Each public agency has available a list of persons who serve as hearing officers. The list includes a statement of the qualifications of each of those persons. An updated list is maintained by the department and requested by an agency when needed. (see Appendix M)

Any party to a hearing has the following rights:

- to be accompanied and advised by counsel and by individuals with special knowledge or training with respect to the problems of children with disabilities
- to present evidence and confront, cross-examine, and compel the attendance of witnesses

- to prohibit evidence not disclosed five days before the hearing
- to obtain a written or electronic verbatim record of the hearing
- to obtain written findings of fact and decisions
- to have access to any reports, records, or clinical evaluations on which a decision was based or which could have a bearing on the correctness of the decision
- to bring civil action if aggrieved by the findings and decision made in a hearing
- to present the independent evaluation as evidence at a hearing regarding the child

Parents have the right to have the child present and to open the hearing to the public. Hearings shall be conducted at a time and place which is reasonably convenient to the parent and the child.

The hearing officer shall reach an independent finding and decision within 45 days after receipt of the request for the hearing. The hearing officer may grant specific extensions of time at the request of either party. The hearing officer's decision is final unless a party to the hearing appeals the decision.

A copy of the finding and decision shall be mailed to both parties. After deleting personally-identifiable information, a copy of the findings and decision will be sent to the department for review by the state advisory panel and will be made available to the general public.

Either party may appeal the decision of the hearing officer to the DPI. The DPI contracts with private attorneys who decide second-level appeals. The second-level review officer shall examine the entire record and ensure that the procedures at the hearing were consistent with due process requirements. Additional evidence is sought if needed and both parties are afforded the opportunity for oral and/or written arguments. Hearings and reviews involving oral arguments are conducted at a time and place convenient to the parents and the child. An independent decision is made within 30 days of the DPI receiving the appeal. The reviewing officer may grant an extension of time at the request of either party. A copy of the written findings and the decision is sent to both parties. The decision is final unless either party brings civil action. Any party aggrieved who does not have the right to a second-level appeal by the DPI may also bring civil action.

Unless otherwise agreed upon by the parents and the public agency, the child will remain in his or her present educational placement until completion of any administrative or judicial proceedings. If the request for a hearing involves initial admission to a public school, the child shall be placed in the public school program, with the consent of the parents, until the completion of the proceedings.

If parents prevail in a due process proceeding, they may be eligible for reimbursement of attorney's fees. Such reimbursement may only be ordered by a court and under certain circumstances defined in 20 U.S.C. 1415(e)(4)(B-G).

Surrogate Parents

When a child with EEN does not have a parent, guardian, or person acting as a parent of the child, or if the child is a ward of the state such that there is no individual to protect the rights of the child, the public agency responsible for the child's education shall so document and contact the DHCPS for assistance in securing an individual to protect the rights of the child. A person selected in this capacity shall not be an employee of the public agency involved in the education or care of the child, shall not have an interest that conflicts with the interests of the child, and shall have knowledge and skills to ensure adequate representation of the child. A person assigned in this capacity is not an employee of the agency solely because he or she is paid by the agency to serve in the best interests of the child. This individual shall represent the child in all matters related to the identification, evaluation, educational placement, and provision of a FAPE for the child.

Surrogate parents are appointed by the board of education of the LEA pursuant to s. 115.81(9)(a), Wis. Stats. More detailed direction for and requirements of LEAs are delineated in PI 11.14: Surrogate Parents.

Wisconsin Statutes provide that in situations where the actions of the parent(s) or guardian could be construed as not being in the best interest of the child, Chapter 48, Children's Code of Wisconsin Statutes, is used to have the court appoint a guardian for educational purposes. (see Appendix N)

VI. CONFIDENTIALITY OF PERSONALLY-IDENTIFIABLE INFORMATION

It is the policy of the State of Wisconsin that all pupil records collected, maintained, or used by a public school agency shall be confidential. "Pupil records" are all records relating to individual pupils maintained by an elementary or high school. It does not include notes or records maintained for personal use by a teacher or other person who is required by the department under s. 115.28(7) Wis. Stats. to hold a certificate, license or permit, if such records and notes are not available to others, nor does it include records necessary for and available only to persons involved in the psychological treatment of a pupil. Pupil records are further defined to include three distinct sets of records: behavioral, progress and directory data. "Behavioral records" are those pupil records which include psychological tests, personality evaluations, records of conversations, any written statement relating specifically to an individual pupil's behavior, tests relating specifically to achievement or measurement of ability, the pupil's physical health records, and any other pupil records which are not progress records. "Progress records" are those pupil records which include the pupil's grades, a statement of the courses the pupil has taken, the pupil's attendance record, and records of the pupil's extra-curricular school activities. "Directory data" means those pupil records which include the pupil's name, address, telephone listing, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, photographs, degrees and awards received, and the name of the school most recently or previously attended by the pupil.

Notices

Prior to any major identification, location, or evaluation activity, parents and adult students shall be notified through public media of such activities and their rights regarding the confidentiality of personally identifiable information and the requirements relating to the identification, location, and evaluation of EEN children. This notice must be written in language understandable to the general public and also in language understandable to non-English speaking parents.

The notice must include a description of the children on whom personally-identifiable information is obtained, the types of information sought, the methods used in obtaining the information, and the uses made of the information. The notice must also include a summary of the confidentiality policies adopted by the agency on the storage, disclosure to third parties, retention, destruction, use of records including the location where copies of the agency's written policies may be obtained upon request, and a description of the rights of parents regarding this information under section 438 of the General Education Provisions Act and 34 CFR 99, Privacy Rights of Parents and Students.

The SEA ensures via program reviews, site reviews, and individual supervisory visits that LEAs provide information on confidentiality to parents. This is done in a variety of ways including newspapers, school newsletters, parent handbooks, verbally, and letters to graduating seniors.

All public agencies responsible for the education of children with disabilities shall provide to parents, upon request, a list of the type and locations of education records collected, maintained, or used by the agency.

Access Rights

Public agencies must permit parents (including guardians) and adult students to inspect and review student records relating only to their child or themselves, as the case may be, which are collected, maintained, or used by the agency. This includes the right to be otherwise informed of the information contained in the pupil record. Progress records shall be shown and copies provided to the student and parent of a minor student upon request. However, s.118.125(2)(b), Wis. Stats., requires that the adult student or the parent of a minor student be shown, upon request, the behavioral records in the presence of a person qualified to explain and interpret the records. Such adult students or parents of minor students shall be provided with a copy of the behavioral records upon request. Public agencies may charge a fee for the cost of copying the records if the fee does not effectively prevent the parents' right to inspect and review records, but the agency may not charge a fee to search for or retrieve the records. The participating agency shall provide copies of records containing information if failure to provide copies would effectively prevent the parent from exercising the right to inspect and review records.

The right to inspect and obtain a copy of progress and behavioral records may be extended to representatives of the parent or adult student upon their expressed or written permission. The parents have an opportunity to review all records related to the identification, evaluation, and placement of a child and of the provision of FAPE.

If any of the above requests are made of a public agency, the agency must comply with the request before any IEP meeting or hearing relating to the identification, evaluation, or placement of a child with EEN and in no case later than 45 days from the date of the request. Included in these access rights is the requirement of agencies to respond to reasonable requests for explanation and interpretations of records beyond the requirement of explaining behavioral records.

Public agencies may presume that either parent of the student has the authority to inspect and review the education records unless the agency has been provided with evidence that there is a legally-binding instrument, such as a divorce decree or court order, which indicates that one of the parents no longer has such authority or rights.

Public agencies must keep a record of individuals, other than the parent, adult student, or other authorized agency employees, who are required to hold a certificate, license or permit under s.115.28(7) Wis. Stats., who have had access to individual educational records. This record of access must include the date the access was permitted and the purpose for which the individual was authorized to have access to the records.

The same procedures which apply to behavioral records shall apply to progress records.

Hearing Rights

If a parent or adult student feels that the information contained in their pupil records is inaccurate, misleading, or violates the rights of the child, the parent or adult student may request that the agency amend the records. If a public agency receives such a request, the agency shall amend the records in accordance with the request within a reasonable period of time or refuse to amend the records in which case the agency must inform the parent or adult student of the refusal and their hearing rights on the matter.

The public agency assures that, upon request, the agency shall provide an opportunity for a hearing to challenge information in education records to insure that it is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child. The agency must inform the parent or adult student, reasonably in advance, of the date, time, and place of the hearing. The hearing may be conducted by any party including an official of the agency who does not have a direct interest in the outcome of the hearing. The parent or adult student shall be afforded the opportunity to be assisted or represented during the hearing, at his or her expense, and to present evidence. The agency shall issue a decision within a reasonable time after the conclusion of the hearing with such decision based solely upon the evidence presented at the hearing. The decision shall also include a summary of the evidence and the reasons for the decision.

If the decision indicates the information contained in the student records was inaccurate, misleading, or otherwise in violation of the rights of the child, the agency shall amend the records and inform the parent or adult student, in writing, of such amendment.

If the decision indicates the information contained in the student records was not inaccurate, misleading, or otherwise in violation of the rights of the child, the agency shall inform the parent or adult student of the right to place in the pupil records a statement commenting on the information and reasons for such disagreement. If any such statement is placed in the student's records, it must remain part of the record. When that record is disclosed to another party, such statement must accompany the record.

Consent

Public agencies must obtain written consent from the parent or adult student prior to disclosing to a third party personally-identifiable information which is used for any purpose other than meeting a requirement under Chapters 115 to 121, Wis. Stats., or IDEA, or used for any purpose other than meeting a judge's request for a student's records.

While the above listed citations indicate that under certain circumstances written consent is not necessary, public agencies have been encouraged to obtain such written consent whenever possible. In the event that such written consent is denied, public agencies shall delete the child's name and replace it with an identification number.

The system for assigning such numbers is contained as an appendix to PI 11, the Administrative Rules to implement Subchapter V, Chapter 115, Wis. Stats. (see Appendix A) This system may be used for activities such as data collection by a state agency, education studies and monitoring activities. It is used when data may become a public document. It would not be used to release information in a situation which is covered by the confidentiality regulations requirement under IDEA. Information from educational records is not released without parental consent or authorization to do so under Family Educational Rights and Privacy Act (FERPA), 34 CFR 99.30-99.31.

Additional Public Agency Requirements

Public agencies have been informed of their responsibility to comply with the requirements of the FERPA and the confidentiality requirements contained in 34 CFR 300.560 to 300.574 of the regulations under PL 94-142. In addition to the policies described throughout this section these policies must include the following requirements:

- A public agency shall protect the confidentiality of personally-identifiable information at collection, storage, disclosure and destruction stages.
- One official at a public agency shall be responsible for insuring the confidentiality of any personally-identifiable information.
- All persons collecting or using personally-identifiable information shall receive training or instruction regarding state policies and procedures on confidentiality.
- A public agency shall maintain, for public inspection, a current listing of the names and positions of those employees within the agency who may have access to personally-identifiable information.
- A public agency shall inform parents when personally-identifiable information collected, maintained, or used under this section is no longer needed to provide educational services to the child. A public agency shall destroy the information at the request of parents except that the student's name, address, phone number, grades, attendance records, classes attended, grade level completed and year completed may be maintained without time limitation.
- It is recommended that the public agency inform parents or the adult student that such records may be needed for social security benefits or other purposes.

The rights to privacy described in this part apply to parents of minor children below age 18 and to adult students age 18 and above unless the student has legally been declared incompetent under Chapter 880, Wis. Stats. The above policies and requirements were distributed to all public agencies responsible for the education of EEN children in November 1978 as "DHC Bulletin #78-11, Confidentiality Requirements." A further clarification of directory data was sent in December 1988 as Bulletin No. 88.1. (see Appendix S) The DHCPS assures that these policies and procedures will be implemented and monitored through the DHCPS monitoring process.

VII. LEAST RESTRICTIVE ENVIRONMENT

It is the policy of the State of Wisconsin that children with EEN for whom the public agency is responsible shall be provided a FAPE as defined by state statutes and regulations. The procedures to insure the requirements of the least restrictive environment (LRE) are stated in the Public Agency Monitoring Document which is used by the monitoring team on a periodic schedule within each public agency. (see Appendices A and O)

Each public agency responsible for the education of children with EEN establishes and implements procedures to ensure that to the maximum extent appropriate children with EEN, including children in public or private institutions or other care facilities, are educated with children without disabilities and that special classes, separate schooling or other removal of children with EEN from the regular educational environment occurs only when the nature or severity of the handicap is such that education in regular classes with the use of supplementary aids and services cannot be satisfactorily achieved.

Each public agency ensures that a continuum of alternative placements is available to the extent necessary to implement the IEP for each child with EEN. Each child's educational placement must be determined individually based on the IEP, determined at least annually, and is to be as close as possible to the child's home. Unless a child's IEP requires some other arrangement, the child shall be educated in the school which he or she would attend if not EEN; and in selecting the LRE consideration must be given to any potential harmful effect on the child or on the quality of services which he or she needs. In providing or arranging for the provision of non-academic and extra-curricular services and activities, including meals, recess periods, and other services and activities described in the IDEA regulations, each child with EEN shall participate with children without disabilities in those activities to the maximum extent appropriate for the child.

The requirements included in this policy also apply to children in public and private institutions and other care facilities. Regardless of other reasons for institutional placement, no child in an institution who is capable of education in a regular public school setting may be denied access to an education in that setting.

All students who have a visual disability and/or are deaf are not required to attend separate schools. During the past five school years approximately 75 percent of the students with visual disabilities and approximately 85 percent of the hearing impaired students have been served in locally-operated programs. Children are accepted at the state-operated residential facilities only if the evaluation and the IEP specify an educational placement at a residential facility. Students enrolled at the school for the deaf and the school for the visually handicapped are provided opportunities for integration into school programs in the districts of Delavan and Janesville where the schools are respectively located.

Public agencies have been informed of their responsibilities to meet the LRE requirement. Technical assistance and training to carry out these requirements are provided to administrators, teachers, and other personnel by the DHCPS upon request and as part of Wisconsin's CSPD. If there is evidence that educational placements are inconsistent with the requirements included in this policy, the DHCPS will review the public agency's justification for its actions and will assist in planning and implementing any necessary corrective actions which may be required. In February 1989 Bulletin No. 89-1, in March 1989 Bulletin No. 89-2, and in October 1989 Bulletin 89-9 were sent to all public agencies serving children with disabilities to provide additional guidance in meeting the LRE requirement. (see Appendix O) These bulletins are being used as the basis for inservice programs conducted regionally and locally. The department is currently waiting for OSEP approval on the LRE/Placement Bulletin.

To more fully implement the LRE requirement the Wisconsin state legislature enacted further enabling legislation under s. 115.85(2)(c), Wis. Stats., which allows a child with EEN the option of attending an EEN program across state lines if the placement enables the child to reside at home and receive daily transportation to the out-of-state facility. A number of LEAs on the state's border have utilized this placement alternative during the current school year.

VIII. PROTECTION IN EVALUATION PROCEDURES

It is the policy of the State of Wisconsin that each public agency responsible for the education of children with EEN establish and implement procedures to protect children in the evaluation process according to the requirements contained in this section.

Before a child is placed or denied placement in a special education program, an evaluation shall be conducted by a M-team to determine if the child has a handicapping condition and a need for special education thereby constituting an EEN. M-teams shall be composed of at least two individuals who are skilled in assessing and programming for children with EEN with at least one member holding certification in the area of the child's suspected handicapping condition. No single procedure may be the sole criterion for determining EEN. No EEN determination is made merely based upon screening. The extent of the evaluation to be done is dependent upon how much relevant information is available on the child and how much more is needed. The testing and evaluation procedures shall assess the child in all areas related to the suspected handicapping condition, be selected and administered so as not to be racially or culturally discriminatory, and be administered in the child's native language or other mode of communication unless it is clearly not feasible to do so. The evaluation materials shall be properly validated, be recommended by their producer for a specific purpose, be administered by certified personnel in conformance with the instructions provided by the producer, and be tailored to assess specific areas of educational need and not only intelligence. Tests administered to a child with impaired sensory, manual, or speaking skills shall be administered to accurately reflect the child's aptitude or achievement level rather than reflecting the child's impaired skills except where the test specifically measures the impaired skills. In determining an EEN and developing subsequent placement decisions evaluation data shall be drawn upon from a variety of sources including aptitude and achievement tests, teacher reports and recommendations, physical condition, social or cultural background, and adaptive behavior. The information obtained from these sources shall be documented and carefully considered by the individual team members. The decision as to whether a child is handicapped and in need of special education and related services is made by the M-team.

Interpretation of evaluation data and placement decisions shall be made by a group of persons including persons knowledgeable about the child, the meaning of the evaluation data, and the placement options. If it is established that the child has an EEN, an IEP shall be developed for the child. After development of the IEP, details of the placement including teacher, school, and other specific program elements are included in a placement notice pursuant to s. PI 11.06(1)(b)(1-4), Wis. Admin. Code. Each placement shall be made in conformity with the requirements for the LRE as described in Part VII of this document.

Each child's IEP shall be annually reviewed and revised where necessary. Each child receiving special education and related services shall be reevaluated according to the requirements described above at least every three years or whenever conditions so warrant including at the request of the child's parents or teachers.

Public agencies have been directed to follow this policy and are monitored accordingly. The child will be assessed in all areas related to the suspected disability including, where appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities.

IX. RESPONSIBILITY OF STATE EDUCATION AGENCY

The DPI is the state agency responsible for the state's education programs for educating children with EEN. Special education programs for children with EEN are under the general supervision of the Division for Handicapped Children and Pupil Services with the Department of Public Instruction. This "fixing of responsibility," however, does not limit the responsibility of agencies other than educational agencies in Wisconsin from providing or paying for some or all the costs of a FAPE for EEN children in Wisconsin.

Each public agency providing special education and related services to children with EEN shall follow the requirements of IDEA and shall meet education standards established by the department. S.115.77(3)(a-e), Wis. Stats. provide the authority for this responsibility. (see Appendix A)

SEA Monitoring Activities

Monitoring is done via onsite visitation to an agency, an internal paper review of an agency's policies and procedures, and by investigating complaints. Procedures are also in place to assure that Part B funds are spent according to plan. Each district application is reviewed and revised prior to approval.

It is the policy of the State of Wisconsin to monitor agencies, institutions, and organizations responsible for carrying out programs to educate children with EEN. These programs shall be monitored and any obligations imposed on those agencies shall be enforced. The state agrees to cooperate in carrying out any evaluation of a program conducted by or for the secretary or other federal official. If the public agency's processes and procedures are determined to be inconsistent with state or federal requirements, corrective action must be completed within specific timeframes.

The onsite monitoring activity includes a review of an agency's written policies and procedures and onsite verification of what is being implemented. Depending upon the size of the agency, two- to four-member teams will spend one to three days onsite. Interviews are conducted with agency staff and individual student records are reviewed. Following the visit a report is sent noting any inconsistencies with the law and directives for correction. The agency has 30 days to respond with a corrective action plan. Six months after the plan is approved, a follow-up visit is conducted to verify the plan's implementation. A random selection system has been developed for identifying districts for onsite visits. The sample is proportional to the actual number of agencies within each CESA (intermediate unit). Using this program, approximately twenty agencies are selected for onsite visits per year.

The paper monitoring activity consists of an agency completing the "Public Agency Monitoring Document" as a self-evaluation and then submitting it accompanying documentation such as handbooks, agency policies and student records. These student records and other materials are reviewed, discrepancies noted, and a report sent with directives for correction. The agency has 30 days to respond with a corrective action plan. All agencies are on a three-year cycle with approximately twelve reviews initiated each month.

Complaint procedures are adopted and implemented in accordance with the requirements of s. 76.780-783 of the EDGAR and state rules and regulations. These procedures apply to all public agencies responsible for providing education for handicapped children and include:

- receiving and resolving any complaint that the state or a subgrantee of the state is violating a federal statute or regulation that applies to a special education program
- reviewing an appeal from a subgrantee's decision on a complaint
- conducting an independent onsite investigation if necessary

An organization or an individual may file a written, signed complaint with the department. The written complaint shall include a statement that the DPI or a subgrantee has violated a requirement of a state or federal statute or regulation that applies to a special education program and the facts on which the statement is based. Upon receipt of a complaint, a determination is made if an onsite investigation is necessary. The nature of the complaint dictates what type of investigation is done. Within 60 days of receipt of the complaint, the DPI investigates and issues a report with directives for resolution. An extension of time is permitted if exceptional circumstances exist on a particular complaint. Either party in a complaint may request the secretary to review the final decision of the department.

Auditors from the SEA carry out field visits to audit expenditures. Actual use and implementation of Part B funds is reviewed through a combination of program reviews, site-visits, and supervisory visits.

The DPI/DHCPS provides technical assistance to public agencies which apply for federal education funds administered by the division; assists public agencies in the evaluation of their grants; takes whatever action is necessary to properly administer each program and to avoid illegal, imprudent, wasteful, or extravagant uses of funds by the state or by the public agencies receiving a grant; and monitors the financial programmatic aspects of a grant.

SEA Implementation Procedures

Effective implementation of procedural safeguards is done through a variety of activities. The DPI has published and disseminated to local educational agencies the publication, "Exceptional Education Needs Guidelines: Processes and Procedures for Wisconsin Educational Agencies." (see Appendix A) This publication emphasizes procedural safeguards by including sample forms, sample handbooks, copies of relevant legislation and a monitoring document. It also includes the department's parent handbook, "The EEN Triangle of Support." This handbook, which describes parent and child rights, is provided to parents and others upon request.

Procedural safeguards is a frequent topic of department inservice presentations. Technical assistance is provided on an ongoing basis and the department's monitoring process emphasizes procedural safeguards.

X. COMPREHENSIVE SYSTEM OF PERSONNEL DEVELOPMENT

Scope of the System

The State of Wisconsin is responsible for the development and implementation of a comprehensive system of personnel development (CSPD). The framework influencing Wisconsin's CSPD plan is based upon the interrelationships of many components. These components are the scope of the system; participation of other agencies and institutions; inservice training; a personnel development plan; dissemination; adoption of educational practices; evaluation; and technical assistance to local education agencies. The DPI coordinates a CSPD plan which provides for the following:

- the inservice training of general and special education instructional, related services, and support personnel;
- procedures to insure that all personnel necessary to carry out the purposes of IDEA are qualified (as defined in Reg. 300.12 of Subpart A) and that activities sufficient to carry out this personnel development plan are scheduled; and
- effective procedures for acquiring and disseminating to teachers and administrators of programs for children with disabilities, significant information derived from educational research, demonstration, and similar projects, and for adopting, where appropriate, promising educational practices and materials developed through those projects.

The State of Wisconsin ensures that all personnel necessary to carry out the purposes of IDEA and Subchapter V, Chapter 115, are qualified. "Qualified means these personnel have met certification standards in preservice training as established by DPI and institutions of higher education (IHE). Eligibility requirements for certification are embodied in Chapters PI 3 and 4 of the Wisconsin Administrative Code. (see Appendix X and the section on Personnel Standards located on p. 52 of this report)

Participatory Planning

To ensure broadly-based input committees participate in the development, review, and annual updating of the CSPD. Participation includes:

- administrators and staff in the Bureau for Exceptional Children and the Bureau for Teacher Education, Licensing and Placement
- the Wisconsin Council on Exceptional Education which is an advisory council to the State Superintendent of Public Instruction under IDEA and Subchapter V, Chapter 115, Wis. Stats.
- the Planning and Evaluation Task Force of the Wisconsin Personnel Development Project which is charged with providing the DHSS recommendations on personnel development and standards under Part H
- the Professional Development Consortium/Teacher Education Division (PDC/TED) which is a state professional organization comprised of individuals from teacher training institutions, CESAs, and other educational organizations interested in preservice and inservice education in the area of special education
- the Regional Service Network (RSN) which is composed of designated personnel from each of the 12 CESAs in Wisconsin to develop and implement CSPD activities
- the Parent Education Project (PEP) which is a federally-funded statewide parent organization that provides advocacy, counseling and training
- the ChADD group (Children with Attention Deficit Disorders) which is a parent and professional organization that provides support to individuals with ADD
- the Autism Task Force which is a parent and professional organization that provides support for individuals with autism

- the Council for Administrators of Special Education (CASE) and Council for Administrators of Pupil Services (CAPS) which are state professional organizations for administrative personnel who serve individuals with EEN

The above groups have representation from, but not limited to, parents, school district administrators, regular and special education teachers, physicians, teacher unions, special education administrators, individuals with disabilities, the school board association, advocacy groups, teacher trainers, and parent groups. All of these groups are ongoing allowing for continual contributions and responses.

The State Superintendent's Council on Exceptional Education acts as the state's CSPD advisory group. However, all other groups provide input.

A cooperative effort exists among the DPI, school districts, CESAs and IHEs. The DPI has the responsibility of monitoring and providing technical assistance to these programs. This cooperative effort also assists the DPI in developing the statewide CSPD. The IHEs mentioned throughout this section are responsible for carrying out preservice training in Wisconsin. The State Superintendent's Advisory Council on Teacher Education and Certification proposes administrative code requirements for teacher education and certification of school personnel. The IHEs are, in many instances, also involved with inservice activities.

Inservice Training

The DHCPS requests from school districts an annual report on special education programs for individuals with disabilities which includes a listing of the current number of qualified personnel employed and the number of teachers needed in each EEN area. The same information is obtained from all the state-operated agencies including the correctional institutions and the state-supported programs which receive PL 89-313 monies. This information provides the essential data for the Wisconsin Teacher Supply and Demand Study.

The Wisconsin Teacher Supply and Demand: An Examination of Data Trends has been conducted annually since 1979. The major focus of the study is to provide information on the number of qualified personnel available to serve students with EEN. However, the study analyses data for regular education personnel as well. The DPI contracts with University of Wisconsin-Whitewater for this annual study. Some of the areas covered in the study are:

- number of teachers prepared in Wisconsin
- newly hired teachers from Wisconsin preparation programs
- education, age, and salaries of newly hired teachers
- employment projections for teachers securing first teaching position
- projecting the number of teachers
- special education emergency-licensed teachers
- attrition in special education
- diversity information

Another goal of the report is to provide information on a number of variables related to special education programming including preservice training needs and to identify target populations for inservice training. (see Appendix Q)

For a number of years the study has identified a shortage of certified personnel in some areas of special education. The Wisconsin Administrative Code provides for the issuance of an emergency teaching license. An emergency license may be issued at the request of an employing school district administrator if no fully-licensed candidates are available. If fully-licensed candidates are available, the request for an emergency license will be denied unless the administrator's justification clearly indicates why the fully-licensed candidates are unacceptable. An emergency license may be renewed upon the satisfactory completion by the applicant of a minimum of six semester credits in an approved higher education program between the date of issuance and the date of renewal.

Wisconsin recognizes the shortage of certified special education teachers. This concern has been presented to the State Superintendent's Council on Exceptional Education and the State Superintendent's Advisory Council on Teacher Education and Certification. Both groups have developed recommendations for the department to consider in addressing this issue.

In response the department initiated Project Help in the summer of 1991 through discretionary funds and the Part D Personnel Preparation grant. The project, which will span a minimum of three years (1994), will assist emergency-licensed special education teachers in completing the necessary requirements for full certification. The project sponsors modular instruction, portfolio review and flexible delivery systems including distance education regionally to these teachers and assists them with expenses in the form of fellowships/stipends.

Wisconsin's CSPD includes a plan for inservice training which is defined as any training other than that received in a full-time program which leads to a degree. Wisconsin places increased emphasis on comprehensive training and inservice activities to raise the skills and increase the knowledge of all individuals who are involved in the educational and related services aspects in the lives of individuals with EEN. Formal and informal needs assessments are conducted annually to ascertain program and personnel priorities. Based upon this information inservice training activities are provided to general and special education administrative, instructional, vocational, related services and support personnel, paraprofessionals, and parents.

The SEA will provide for direction in inservice education by encouraging priorities which may be adopted by the majority of the local comprehensive training programs through the following activities. A statewide needs assessment process was conducted in 1991-92 in order to define the priority areas for CSPD activities in 1993-95. (see Appendix T) The state encourages the adoption of these priorities as well as other priorities through the dissemination activities of the DPI, the PDC/TED and the RSNs.

Inservice needs are identified by the CESA-RSNs. Each RSN identifies strategies for conducting a needs assessment of school personnel and parents working with individuals with disabilities.

Program needs are also determined through the DHCPS program review and monitoring process. DHCPS program supervisors provide continual input as to program needs throughout the state. Administrative and supervisory people in the school districts also identify needs from their assessment of the quality of work being performed by those reporting to them. Inservice needs arise from an analysis of information about the school district's functions.

Each agency applying for flow-through funds is required to submit an application including a component which focuses on inservice and personnel development. This application also includes an evaluation element completed 30 days after the project ends and the proposed audiences which have received their training. (see Appendix P for a copy of the flow-through application) A random review of the applications approved will show a description of planned training for personnel such as special and regular education teachers and aides, school psychologists, school social workers, guidance counselors, and parents on content areas including but not limited to referral, evaluation and IEPs, parenting skills, due process procedures, bilingual/bicultural evaluation, and EEN programming.

The department also identifies critical personnel preparation needed statewide. A Bureau for Exceptional Children CSPD component training project is developed with discretionary funds along with the Part D personnel preparation project funding. Some examples of statewide training opportunities are:

- Hearing and Review Officer Training
- 504 Workshops and ADD Trainer-of-Trainers Workshops
- Institute for New Leadership Personnel in Special Education and Pupil Services
- training for regular education personnel; Strategies Effective Teaching Practices for All Children and Partners in Problem Solving
- programming for students who are autistic

The 1987 study, "Comprehensive Assessment of Service Needs in Special Education in Wisconsin", identified training needs for administrative personnel in special education. The Wisconsin Administrative Training Project (funded by DPI) continues to conduct follow-up needs assessment and training opportunities.

Specific times and dates for inservice activities are identified in an ongoing manner. Time-frames are considered by the planning committees and groups that assist in the overall planning and implementation of the training activity. Scheduling is best completed after annual needs and priorities are determined. Having determined the need and target populations, geographic locations are selected which best represent the targeted audience. When statewide coverage is desired, the Wisconsin CEC, CASE regions or 12 CESA areas are frequently utilized. Inservice staff include DHCPS supervisors representing various areas of expertise, school district staff, and outside consultants. Inservice participants usually receive an incentive such as stipends or actual expenses for attendance at inservice meetings. University credit or continuing education clock hours may also be granted for inservice participation.

Trainers and consultants from the SEA, LEAs, IHEs, other state agencies, professional education organizations, and groups and private agencies are utilized in the inservice training activities at the state and local school district level.

The continuing goal of Wisconsin's CSPD is to provide inservice training programs which will raise the skills and increase the knowledge of all individuals who are involved in the educational and related service aspects of the lives of EEN children. This goal includes the process of program review and monitoring of current services and programs for EEN children as well as the implementation of Subchapter V, Chapter 115, Wis. Stats., and IDEA. To obtain this goal there is collaboration among the DPI, school districts, CESAs and IHEs on several objectives.

Personnel Development Plan

The SEA will maintain coordination of the planning and development of a comprehensive personnel development plan through the following activities:

- monitor and evaluate local compliance with the requirements for CSPD including needs assessment, advisory council input, dissemination, and delivery modes as an ongoing activity
- continue liaison responsibilities with the PDC/TED organization to provide direction and receive input in coordinating representative forces to generate and update the CSPD
- initiate and provide assistance in the annual study of a comprehensive assessment of service needs (Wisconsin Teacher Supply and Demand) for individuals with disabilities
- explore innovative ways to acquire, review, and disseminate educational research, promising practices, and other significant information

The SEA will continue the development of a network involving coordinators of local inservice as designated in the flow-through inservice training plans and in CSPD activities approved in discretionary grants through the following activities:

- provide DPI leadership to coordinate and assemble the network of local inservice committee chairpersons, directors of special education, and program designees

- provide training sessions and technical assistance on conducting local needs assessment; exploring inservice delivery models; organizing and budgeting a local comprehensive inservice plan; locating resources, presenting information, and developing media; and developing cooperative and collaborative efforts
- utilize this network of local CSPD coordinators for both statewide planning and dissemination of the CSPD

The SEA will develop and expand processes and procedures to ensure cooperative efforts between the DPI, IHEs and school districts in the development of improved qualitative services for all children with EEN through the following activities:

- develop, in conjunction with LEAs and IHEs, inservice activities that would be approved to meet the continuing professional education requirements for certification renewal
- develop models for increasing the role of the IHEs in providing inservice training
- work with the IHEs in reorganizing their preservice and graduate training sequences for prospective teachers particularly those on emergency special education licensure

The RSN is a collaborative effort with the DPI and each CESA in an effort to meet the educational needs of children with disabilities. The state RSN is made up of representation from each of the 12 CESAs. The major focus of the state RSN is to provide a comprehensive system of personnel development. (see Appendix B)

The SEA will provide for the continuous implementation of Chapter 115, Wis. Stats., and IDEA through inservice in those areas of special education that have demonstrated a need for reinforcement, reevaluation, supplementary and/or complimentary services, modification, or adjustment.

Recommendation for the Wisconsin comprehensive state plan for personnel development for early intervention, Part H are included in the Executive Summary for Part H. (see Appendix A)

Dissemination

As part of its comprehensive system of personnel development, the department acquires significant information from a variety of sources including but not limited to the National Diffusion Network, the Institutions of Higher Education, Great Lakes Area Regional Resource Center, and the National Association of State Directors of Special Education which are then disseminated to administrators, teachers, and other appropriate individuals.

The DPI/DHCPS has established channels for communicating with local district administrators, directors, and other administrative staff in special education, designees, supportive staff, and private educational institutions. Significant information is transmitted to these groups through a variety of channels.

- The department publishes a newsletter, Education Forward, over 15,000 copies of which are mailed out monthly to state educators and schools. Members of many community organizations and agencies, public and private, are represented on advisory and planning groups who submit and review articles. Through the DPI publications office, any interested person or group may receive this newsletter and other publications such as curriculum guides, resource and planning manuals, etc.

- Wisconsin has a network of learning resource centers commonly known as special education instructional materials centers (SEIMCs) and RSNs located within CESAs and larger urban school districts. These centers are responsible for training teachers and administrators in the use of specialized instructional materials and equipment, innovative practices, and dissemination of such information and additional resources throughout their respective geographical areas.

- The state facilitator of the National Diffusion Network disseminates information on exemplary programs in the area of early childhood special education and staff development programs. The facilitator also assists in the adoption, training, and operation of any replication sites within the state.

- The DPI has the technology to access ERIC, Special Net and other information data bases as needed by the field.

- The DHCPS periodically disseminates bulletins on policies, procedures, and legal opinions to all administrators of special education and designees and other appropriate administrative staff in state-supported or state-operated programs.

- Workshops are conducted to assist individuals in writing and submitting projects and programs to meet identified local needs. Information on innovative programs and practices are disseminated in this manner.

Adoption of Educational Practices

A system to adopt promising educational practices and materials proven effective through research and demonstration has been initiated and will be refined through the statewide CSPD component training project. Innovative practices which have been found to be effective are disseminated to target groups via these identified means. Program models and promising practices are displayed during local, regional, and statewide workshops and conferences. Local CSPD coordinators are trained to conduct systematic needs assessments locally, prioritize needs, identify resources to meet the financial, material, and human needs, and establish a network describing effective practices, inservice models, and materials for statewide access. The DHCPS provides the resources to produce various publications covering materials and practices found to be effective.

Advisory groups and planning committees offer suggestions to the SEA regarding use of this material. SEA staff review demonstration and model projects during attendance at conferences and workshops.

Examples of promising practices DPI has funded through IDEA discretionary monies and disseminated statewide through the RSN system are:

- ADD training materials
- videotapes and training materials on least restrictive environment
- Innoteck - technology equipment for early childhood
- parent partnership training materials
- Strategies: Effective practices for teaching all children/inservice materials
- partners in problem solving training materials

Evaluation

The evaluation of the CSPD takes into consideration three components: implementation of the system, effectiveness of SEA objectives, and impact of the system.

The DHCPS monitoring process provides an indication of how well the CSPD is being implemented. This process provides input to the DPI via review of student records and individual interviews with school staff, parents, and community resource people. The more extensive program review process utilizing EEN program specialists is another approach to assessment of the CSPD as it looks at and makes recommendations to improve EEN program quality in individual LEAs. Considerable technical assistance is provided via the DHCPS program review process. This assistance occurs both during the review and in the written report after the program review visit. Program consultants also provide technical assistance as a specific follow-up activity when requested by the LEA.

Effectiveness of individual inservice activities is evaluated by inservice participants. Evaluations report on demographic data and participants' perception of the planned objectives, process, and how well the objectives were met.

Through input and review by DHCPS staff and advisory groups, the SEA has an ongoing system of reassessing educational practices used in the state. Evaluation of state-sponsored individual inservice activities is completed and analyzed.

Impact of the CSPD is judged over time. In terms of personnel preparation this impact can be evaluated by needs assessments and certification data. Ultimately the system is judged by its ability to meet the needs of children with EEN as defined by the IEP.

Technical Assistance

SEA staff provide assistance to school districts in implementing the CSPD through a variety of activities. For example, DPI staff serve as a resource to CESAs and LEAs as they plan local workshops, hire inservice consultants, and modify teaching equipment and materials for EEN students. All of the DHCPS education consultants work with the LEAs in the area of personnel preparation and staff professional development. The DPI resource materials are made available to local districts, CESAs and professional educational groups. The DPI disseminates material and training tapes to CESAs and LEAs.

Through the CESAs, SEIMC and RSNs local resources are utilized and assist in the CSPD program activities at the local and regional levels.

The DHCPS staff review all local Part B applications for flow-through monies. Regional workshops are held by DHCPS staff to assist school districts in developing their local CSPD plans. Trainer-of-trainers workshops will provide continued technical assistance.

DHCPS and Division for Instructional Services staff are available upon request for inservice with school district staff or to help facilitate an inservice for a school district.

CSPD Coordination Between Part B and Part H

In Wisconsin, the DPI/DHCPS is responsible for mandated exceptional education programs and CSPD under Part B of IDEA for children 3-21 years of age. The Department of Health and Social Services/Division of Community Services (DHSS/DCS) is the lead agency for Part H which established services to eligible infants and toddlers with disabilities and their families. DHSS/DCS has oversight responsibilities for the county boards which operate programs that service these infants and toddlers with disabilities and their families. Currently nearly one half of these county boards operate Chapter 1 state-supported and state-operated programs (89-313) for infants and toddlers which are monitored by the Department of Health and Social Services/Office of Policy and Budget (DHSS/OPB). DHSS/DCS has contracted with the Wisconsin Personnel Development Project at the Waisman Center, which is a university-affiliated program for the development and implementation of personnel development and standards for those who serve the birth to three population.

Since several agencies are involved, administrative coordination occurs on several levels. The DHCPS Assistant State Superintendent is a member of the Part H Interagency Coordinating Council. To insure direct coordination, DPI employs an early intervention specialist to act as a liaison with DHSS in relationship to Part H. The early childhood EEN consultant (consultant for special education programs for 3-5 year old children) is also involved in liaison activities. Both of these employees are members of the Wisconsin's Personnel Development Project task forces. The DPI/CSPD Coordinator and the Director of the Wisconsin Personnel Development Project have also begun meeting to discuss additional ways of coordination. Representatives from all of the above divisions are also members of the Building Early Services Transition Project Planning Committee funded through a grant from the Associated Colleges of Central Kansas.

Specific coordination regarding CSPD activities have included:

- joint development and dissemination of two manuals for professionals working with young disabled children birth to five years: "Child Find and Screening of Infants and Toddlers for Developmental Delays and Disabilities" and "Evaluation and Assessment Within A Family-Centered Approach"
- state supported joint workshops between LEA 3-5 staff and Chapter 1 birth to 3 staff which have focused on evaluation, assessment and transition
- LEA 3-5 staff have been invited to and participated in Part H sponsored workshops
- coordination planning for two conferences: Coming of Age: Making Things Happen In An Ever Changing World - a conference for families and professionals who support children with disabilities and Linkages Between Education, Children and Families - a conference for professionals working with Chapter 1 disadvantaged programs

XI. PRIVATE SCHOOLS

A. Children Placed or Referred by Public Agencies

It is the policy of the State of Wisconsin if a child with EEN is placed in a private school by a public agency for the purpose of providing a FAPE to the child, special education and related services will be provided to the child in conformance with an IEP at no cost to the parent and at a school or facility which meets the standards that apply to state and local education agencies. Whenever private placements are made, the child and parent have all the rights available to them under IDEA and Sub. V., s.115, Wis. Stats. The SEA further assures that through private contract approval the services are provided in a school or facility which meets the state education standards.

If a public agency makes a FAPE available to the child and the parents choose to place the child in a private facility, the public agency is not required to pay for the child's education at the private school. If the parents and public agency disagree about the availability of a program appropriate for a child, the disagreement and question of financial responsibility shall be resolved through due process procedures as specified under 34 CFR 300.500-514 of subpart E.

Private schools receive notice through the department's legal mailing and are included in the DHCPS directory of services. Therefore, they receive copies of state standards and policies with revisions as they occur. When state special education law and rules are revised, private schools are provided the opportunity to participate in the development and/or revisions.

B. Children Not Placed or Referred by Public Agencies

It is the policy of the State of Wisconsin that, to the extent consistent with their number and location within the state, provision is made for private school children with EEN to participate in programs funded or carried out under IDEA by providing them with special education and related services according to the requirements and conditions described herein. Each LEA shall provide special education and related services designed to meet the needs of private school children with disabilities residing in its jurisdiction.

The state ensures a public agency receiving federal funds for the education of children with EEN shall provide students enrolled in private schools with a genuine opportunity for equitable participation in accordance with the requirements stated herein and with the requirements contained in IDEA; 34 CFR 76.652-76.662; Sub. V, s.115, Wis. Stats.; and their respective regulations and rules. This opportunity for participation is provided in a manner consistent with the number of eligible private school students and their needs. The public agency shall maintain continuing administrative direction and control over funds and property that benefit students enrolled in private schools. In those instances where the DPI carries out a grant directly, the department ensures it shall also comply with the requirements in 34 CFR 76.651-76.662.

A public agency applying for federal funds for the education of children with EEN (hereinafter called "program funds") shall consult with appropriate representatives of students enrolled in private schools and give them a genuine opportunity to express their views during all phases of the development and design of the grant including consideration of which children will receive benefits under the grant; how the children's needs will be identified; what benefits will be provided; how the benefits will be provided; and how the grant will be evaluated. Before the public agency makes any decision that affects the opportunities of private school students to participate in the grant, the public agency shall consult with appropriate representatives of the students.

A public agency shall determine the needs of students enrolled in private schools, the number of those students who will participate in a grant, and the benefits that will be provided to those students on a basis comparable to that used by the public agency in providing for the participation of public school students.

The program benefits provided for students enrolled in private schools shall be comparable in quality, scope, and opportunity for participation as that provided to public school students. If funds are used for public school students in a particular attendance area, grade or age level, equitable opportunities shall be provided for the participation of private school students who have the same needs as the public school students to be served and are in that group, attendance area, grade or age level. If the needs of the private school students are different than the needs of the public school students, the public agency shall provide the private school students program benefits to meet their needs.

Subject to the needs of the private school students, the public agency shall spend the same average amount of program funds on private school students as on public school students. If the average cost of meeting the needs of private school students is different than the average cost of meeting the needs of public school students, the public agency shall spend a different average amount on the program benefits for the private school students.

A public agency may not use program funds for classes that are organized separately on the basis of school enrollment or religion if the classes are at the same site or if the classes include students enrolled in public and private schools. These funds may not be used to finance the existing level of instruction in a private school or to otherwise benefit the private school. Program funds shall be used to meet the specific needs of private school students rather than the needs of the private school or the general needs of all of the students enrolled in a private school.

Wisconsin ensures a subgrantee may use program funds to make public personnel available in other than public facilities to the extent necessary to facilitate appropriate programming if those benefits are not normally provided by the private school. Public agency personnel may conduct observation and evaluation activities within the private setting.

To provide equitable program benefits to private school students the public agency may enroll private school students on a shared-time basis; however, the programming must take place in a public school facility or some other neutral site. (see Appendix R for Attorney General's opinion on this issue)

Program funds may be used to pay for the services of an employee of a private school if the employee performs the services outside of his or her regular hours of duty and under public supervision and control.

A public agency shall keep title to and exercise administrative control of all equipment and supplies that the agency acquires with program funds. The public agency may place equipment and supplies in a private school for the period of time needed for the project. However, the agency shall ensure the equipment or supplies are used only for the purposes of the grant and can be removed from the private school without remodeling the private school facilities. The equipment or supplies shall be removed from a private school if they are no longer needed for the purposes of the grant or if removal is necessary to avoid use of the equipment or supplies for other than grant purposes.

A public agency shall ensure program funds are not used for the construction of any private school facility.

Wisconsin ensures all required items relating to participation of students enrolled in private schools will be included in subgrant applications. (see Appendix P) The application will include the following:

- a description of how the applicant will meet the federal requirements for participation of students enrolled in private school
- the number of students enrolled in private schools who have been identified as eligible to benefit under the program
- the number of students enrolled in private schools who will receive benefits under the program
- the basis which the applicant used to select the students
- the manner and extent to which the applicant complied with 34 CFR 76.652 regarding consultation
- the places and times the students will receive benefits under the program
- the differences, if any, between the program benefits the applicant will provide to public and private school students and the reasons for the differences

XII. RECOVERY OF FUNDS FOR MISCLASSIFIED CHILDREN

It is the policy of the State of Wisconsin that any funds made available under IDEA for programs or services to any child who was erroneously classified as eligible to be counted shall be recovered. It has never been necessary to withhold future allocations to a public school district for this purpose.

If it is determined a child has been erroneously classified and was included in the annual child count which generates Wisconsin's allocation, the DHCPS shall submit a revised child count to the U.S. Department of Education, OSEP, for a revised grant award. The LEA's allocation for flow-through funds shall be adjusted accordingly.

Wisconsin's child count is based on student data reports for each individual child which are collected each December 1. In addition to each individual child report, a summary report is prepared by the district showing the number of children in each disability category by fund source. This information is either submitted on a computer diskette or on paper sheets that are electronically scanned. When the data are loaded onto the computer, the upload program reads each record and verifies that there are no students with the same student identification (last name, birthdate, sex, tiebreaker). There are approximately 15 separate edits completed by the upload program to verify the accuracy of the data including edits to look at birthdate, missing data, and compatibility of handicaps MR and LD, based upon the electronic file format. Any problem records are bounced out and a call is made to the district to obtain the correct information before the record can be entered into the computer file. An additional program counts the number of student records by disability, fund source, and age range and compares this data to the summary report submitted by the district. Any discrepancies between the two sets of numbers are resolved before the child count is submitted to OSEP.

The list of student records is used in selecting student records to be audited during routine monitoring activities of the school districts. The list of student records is also used to generate information for the exiting report required as part of the annual data report. If any students were found to be counted in error through either of these two reports, an amendment to the child count would be submitted to OSEP.

XIII. NOTICE AND OPPORTUNITY FOR HEARING ON APPLICATION

It is the policy of the State of Wisconsin that prior to taking a final action on the denial of any application for funds under IDEA, the public agency shall be provided with a notice and an opportunity for a hearing in accordance with the requirements of 34 CFR 76.401 of the EDGAR. When the department intends to disapprove an LEA application, it shall do the following:

- notify the applicant
- give the applicant 30 days to request a hearing
- hold a hearing on the record and review its action within 30 days after receiving the request
- issue a written ruling no later than 10 days after this hearing
- rescind its action if the action is contrary to state or federal statutes or regulation

If the department does not rescind its final action after review, the LEA may appeal to the secretary within 20 days after it has been notified of the department's ruling. All records of the department's review shall be available to the LEA at reasonable times and places. If supported by substantial evidence, findings of fact of the department are final.

All applicants are provided a copy of the procedures to follow in the event of a denial of application for funds. (see Appendix P)

XIV. ANNUAL EVALUATION

The State of Wisconsin has several procedures in place to annually evaluate the effectiveness of programs in meeting the educational needs of handicapped children including evaluation of IEPs.

- DHCPS staff review and approve or disapprove annual program plans for approximately 7,800 special education program units. Staff monitor the development of new units and the discontinuation of existing programs. Enrollment levels of program units are monitored as is the certification of local educational agency staff.

- Compliance monitoring is done through onsite visits to a local educational agency, internal paper review of an agency's policies and procedures, and complaint investigations. These monitoring activities include evaluation of IEPs.

- All requests for placing children in a private or out-of-state placement are reviewed and approved by state superintendent.

- Annual staff evaluations of flow-through, discretionary, and incentive projects are conducted and used to determine the effectiveness of programs and services including unanticipated outcomes and other data on participants. This review provides a framework for assessing program objectives and activities which will result in recommendations useful for improving local programs.

- Technical assistance is provided to LEAs as needs are identified through these evaluation activities.

The evaluation information obtained by the above methods is on file with the DHCPS.

XV. DESCRIPTION OF USE OF PART B FUNDS

The following is a description of how Wisconsin intends to use Part B funds for the 1991-92 school year. Wisconsin assumes a similar staffing pattern and use of funds for the 1993-95 state plan time frame. It is also assumed annual updates may be needed.

State Allocation

Of the total amount of Part B funds granted to Wisconsin in each fiscal year, twenty-five percent will be retained by the DPI/DHCPS. Five percent of the total amount of Part B funds for each fiscal year shall be deducted from the twenty-five percent state allocation for administration purposes. The remainder of the state allocation shall be used for statewide services administered through the division and shall be granted to local agencies on a discretionary basis according to identified priorities.

The following is a listing of staff by position types, a brief description of their duties, and the percentage of salary and fringe benefits to be paid from Part B administration funds. All positions paid by these funds assist in the administration of the IDEA-B. They do not administer other programs such as gifted or school-age parents. It is planned that this funding pattern will be in effect for the period covered by this application, barring unforeseen determinations. Any changes shall be submitted to the OSEP for approval, thereby amending this description.

Administrators

These positions are responsible for the administrative aspects of special education in the DPI/DHCPS. They, along with state-supported administrators, advise and assist the state superintendent in matters pertaining to planning, policy development, project development, child and program review, fiscal administration, and compliance monitoring. The program administrators coordinate, supervise, and evaluate the roles and functions of DHCPS staff assigned to their sections.

Position	FTE of Position	1993-95 FTE Funded
Administrator-Division for Handicapped Children and Pupil Services	1.00	.30
Director-Bureau for Exceptional Children	1.00	.86
Director-Special Health Needs	1.00	.50
Section Chief-Early Childhood, Sensory and Language Impaired	1.00	.70
Section Chief-Program Review and Compliance	1.00	.675
Section Chief-Pupil Services Team	1.00	.25
Section Chief-Developmental, Behavioral and Learning Impaired	1.00	.36

Attorneys

These positions provide legal counsel to division staff relative to legislation for children with disabilities. This may include policy interpretation, issue analysis, and rules revision. These positions assist in the administration of the special education program and they do not represent the SEA in litigation situations. The state department of justice performs this function as necessary.

Position	FTE of Position	1993-95 FTE Funded
Attorney	1.00	.50
Attorney	.50	.50
Attorney	1.00	.10

Education Consultants

These positions are responsible for statewide program development, evaluation, and consultation in a particular area of expertise. Along with state-supported consultants, their responsibilities may include project review, case consultation, inservice activities, and compliance monitoring. They respond to requests for technical assistance from LEA staff and parents. Information is provided to legislators and interest groups. The consultants interact with staff from the institutes of higher education. Consultants are administratively responsible to the section chief or bureau director of their particular unit.

Position*	FTE of Position	1993 -95 FTE Funded
CSPD/RSN	1.00	.50
Emotional Disturbance	1.00	.86
Mental Retardation	1.00	.86
Hearing Impaired	1.00	.925
Visually Impaired	1.00	.425
Multi-Categorical	.50	.425
State-Operated/State-Supported Liaison	1.00	deleted
Speech/Language	1.00	.86
School Psychology	1.00	.25
Transition	1.00	1.00
School Social Work	1.00	.50
Adaptive Teaching/Learning Strategies	1.00	1.00
Physical/OHI	1.00	.86
Learning Disabilities	1.00	.86

*by area of expertise

School Administration Consultants

These positions are responsible for program review and compliance. They, along with state-supported positions, consult with and monitor agencies regarding laws and regulations pertaining to children with disabilities. Their responsibilities include complaint investigations, project review, inservice activities, mediation, and comprehensive monitoring activities of all LEAs. They respond to requests from parents, LEA staff, legislators and interest groups. They are administratively responsible to the Section Chief, Program Review and Compliance Section.

Position	FTE of Position	1993-95 FTE Funded
School Administration Consultant	1.00	.675
School Administration Consultant	1.00	.675
School Administration Consultant	1.00	.675
School Administration Consultant	1.00	.60
School Administration Consultant	1.00	.65
School Administration Consultant	1.00	.675

Children With Disabilities Specialists

Employes in this class interpret policy, recommend changes in policy, and initiate new programs. In the department the primary responsibilities are consultation in the specialty area and staffing of multi-discipline clinics. In addition, employes in this class provide consultation to outside agencies and are expected to publish materials concerned with the specialty area in order to enhance the profession and their level of expertise.

Position	FTE of Position	1993-95 FTE Funded
Physical Therapist	.60	.425
Occupational Therapist	.50	.50

Audiologist Consultant

This position provides statewide leadership to promote and support the identification of individuals birth to 21 years with hearing impairments or chronic otologic diseases, provide care (case) management services to these individuals and their families, and promote quality standards of care, (re)habilitation and management.

Position	FTE Funded	FTE of Position
Audiologist Consultant	.93	1.00

Fiscal Auditor

These positions are responsible for fiscal payments, fiscal audits of selected agencies, and preparation of fiscal reports relative to federally-funded programs for handicapped children. They assist in the fiscal review of funding applications and provide technical assistance to local educational agency staff. They are administratively responsible to the Section Chief, Federal Aids and Audit Section.

Position	FTE of Position	1993-95 FTE Funded
Audit Supervisor	1.00	deleted
Account Specialist	1.00	.86
Audit Specialist	1.00	.15

Support Staff

These positions provide administrative and program-related support to division staff. This support may include activities such as clerical support, data collection, and forms processing. A work study student is hired for copying, mailing and filing tasks. Monies are also allocated to fund limited term support staff on an as needed basis. These positions are administratively responsible to the management position of their particular unit.

Position	FTE of Position	1993-95 FTE Funded
Secretary	1.00	.80
Program Assistant	1.00	.425
Program Assistant	.80	.30
Program Assistant	.50	.35
Program Assistant	1.00	.425

Program Assistant	1.00	.50
Program Assistant	.50	.25
Program Assistant	1.00	.36
Program Assistant	.50	.40
Publications Editor	1.00	.86
Research and Evaluation Specialist	1.00	.50
Management and Budget Analyst	1.00	.86

Administrative Activities

The following administrative activities shall be carried out during the three-year period covered by this plan. Any changes shall be submitted to OSEP for approval.

1. Administration of this IDEA state program plan including planning programs and projects for children with disabilities.

2. Development and review of LEA IDEA flow-through, incentive, and discretionary applications.

3. Management of reporting process, including head count, enrollment reports, needs assessment, court reports, federal performance and fiscal reports, and fiscal information.

4. Approval, supervision, monitoring, payment of fiscal claims, and evaluation of effectiveness of local programs and projects for the education of EEN children through the use of IDEA funds.

5. Technical assistance to LEAs in meeting the requirements of IDEA including the development and implementation of a CSPD.

6. Administer PL 89-313 activities including development of annual plan, child count, technical assistance in project development, approval for proposals, monitoring, fiscal payments, and handling of LEA transfer students.

7. Coordinate the review for recommendation and approval of all programs for children with disabilities with the various federal funding sources.

8. Work with members of the State Superintendent's Council on Exceptional Education (advisory panel) in the development of a comprehensive three-year state plan under Chapter 115 and IDEA and in overall review and recommendation of the entire state programs for children with disabilities, including working with council subcommittees in governmental relations, instructional delivery, and federal programs.

9. Provide for dissemination of information on all federal programs through written documentation and oral presentations to a wide variety of groups.

10. Work in other state leadership and consultative services as they pertain to the entire program for Wisconsin's children with disabilities.

11. Provide monitoring and evaluation for PL 89-313, IDEA, and PL 99-457 flow-through, discretionary, and incentive projects and develop annual reports.

State Superintendent's Council on Exceptional Education

The State Superintendent's Council on Exceptional Education (the state advisory panel) consists of 15 individuals appointed by the State Superintendent of Public Instruction. Under s.15.377(4), Wis. Stats., no more than seven members of the Council may be persons who do not have EEN children and who are representatives of the state, school districts, county handicapped children's education boards or CESAs. At least five members of the Council shall be parents or guardians of an EEN child, at least one member shall be a certified teacher of regular education as defined in s.115.76(9), and at least one member shall be a certified teacher of special education. The Council membership includes an adult with a disability, special education program administrators, and state and local educational officials.

The Council is responsible to the state superintendent on: 1) advising of unmet needs within the state; 2) consulting and providing public comment on proposed policies and rules including plan development in special education; 3) reviewing findings of facts and decisions of hearings and appeals transmitted by the public agency; 4) advising on new, expanded, or reduced special education programs; and 5) assisting and advising on any other matters requested by the state superintendent and DHCPS administrators.

Discretionary Grants

The DPI allocates twenty percent of the total amount of Part B funds for each fiscal year for LEAs to provide direct and support services. Local agencies apply for these funds which are granted on a discretionary basis. Six areas of emphasis have been identified for funding in fiscal years 1993-95.

- **Improve Recruitment, Preservice Training and Retention of School Personnel**

  The recent study, Wisconsin Teacher Supply and Demand (1991), shows personnel shortages in special education, too many emergency licenses in special education fields, particularly Emotionally Disturbed (ED) and Learning Disabled (LD), teacher shortages in urban and rural areas, and a need for more diversity in those entering teaching.

  Public input into the state plan highlighted a need for teacher training institutions to better train new teachers, both in special and regular education, so they understand the realities of today's student needs and are able to integrate special education and regular education. Public input noted the need to provide inservice and leadership training for existing school personnel: teachers, administrators, special education directors, support staff, and special education program aides.

  The department will assist agencies in supporting teachers employed on emergency licenses in areas of critical need. These funds may be used to pay expenses (e.g., fees, books, substitute teacher salaries for release time, transportation costs, related expenses, and annual recertification license fees) and provide support (e.g., local teacher mentors, program-support teachers, innovative local programs, and/or various incentives and rewards) to teachers during the period when they are concurrently responsible for teaching learners with EEN. Priority will be given to proposals which address the most critical needs and demonstrate a potential for ongoing support for the fully certified and licensed teacher and the respective special education program over time.

- **Align Special Education Initiatives With Education Reform Agenda**

  In Wisconsin much is happening under the heading of "education reform." One of the key education restructuring issues being discussed is teacher empowerment/site-based management. Teacher empowerment/site-based management is usually placed in the context of a school or a district being provided more flexibility in how to design and deliver services.

  These "regular" education reforms are coming at the same time special educators are implementing more integration of special and regular education. Much of the education reform debate at the national and state level has not specifically addressed the needs of individuals with disabilities. This initiative will involve parents and special educators in integrating special education into education reforms.

  More specifically, the department will fund projects which create a defined role for special educators and parents in the following "education reform" areas: training for site-based management teams, team-building activities for regular and special educators, integrating students in cooperative programs in regular education settings, designing strategic plans for school restructuring, implementing outcome-based education models, and providing training and follow-up for total quality management designs.

- **Promote Transition Activities**

One of the significant amendments to IDEA is the requirement for transition services planning in the IEP for all students aged 16 and above. This innovation parallels Wisconsin's own school-to-work initiative for all students. Wisconsin's 1991-93 Biennial Budget included comprehensive school-to-work legislation which expands secondary and post-secondary educational opportunities for students -- Youth Apprentice Program, Technical Preparation Program, revised child labor laws, Tenth Grade Gateway Assessment Program, Post-Secondary Options Program, and Education for Employment Program. The express purpose of all these initiatives is to create better school-to-work pathways for all children.

Wisconsin proposes to improve transition services for students with disabilities by melding the transition principles of IDEA with our school-to-work program innovations for all students. Projects will be given priority which promote the inclusion of students with disabilities in all the school-to-work initiatives emerging in Wisconsin; multi-agency participation in IEPs which develop transition service commitments; administrative level multi-agency committees responsible for transition agreements, services and policy development; the development of local multi-agency student outcome follow-up systems; multi-disciplinary and multi-agency staff training on transition service process and needs, team building, employment issues, independent living issues and post-secondary education issues; parent and student self-advocacy training; needed related services; and development of relevant, market-based vocational curriculum in collaboration with vocational education and local Private Industry Councils.

The projects will be evaluated on their attention to improving the school outcomes of productive employment, community participation, and post-secondary education and training for students with disabilities. The projects must address involvement of the entire community (school, service agencies, employers, families, friends, vocational schools, colleges, volunteer organizations) in order to provide students with disabilities successful transition from school to adulthood.

- **Improve the Learning Outcomes for Children With Disabilities**

In the past several years, much has happened in special education: a new emphasis on early intervention programs, the Regular Education Initiative debate, the new requirements of IDEA, and the reexamination of the effectiveness of the special education model and its integration with regular education. During the same time, regular education underwent the education reform movement triggered by A Nation At Risk and is now undergoing a school restructuring/transformation debate. The focus of this debate seems to center on shifting from ensuring proper procedure and programmatic inputs to measuring accountability by documenting improved student outcomes/learning. Compounding this organizational change debate is the fact that the demographics of who is coming to school is dramatically changing as is the nature of families.

The department will support innovative approaches which target funding and staff resources to focus on encouraging educators to evaluate programs and processes in terms of whether student outcomes/learning improved. Projects which focus on improving the learning of children could involve evaluation of different instructional approaches, longitudinal studies of student progress, and the use of portfolios and authentic assessment.

The department also encourages the development of efforts and innovative approaches to integrating children with disabilities and peers without disabilities in the school, community, and home. Examples of ways in which this goal might be accomplished include relocating instructional programs, and providing consultation/training programs to students and school staff through a variety of resources.

In addition, the department will encourage and support the development of new uses of technology that are particularly innovative and hold unusual promise for improving integration and special education programming.

- **Empowering Parents and Involving Families**

Study after study has shown parental involvement, both at school and at home, to be a key to any successful school program. IDEA has, as a principle, empowered parents as partners with school professionals in the decision-making process concerning their children's special education. Recognizing the importance of family involvement to school success, the department has since 1987 promoted a statewide program, Families in Education, in all school districts. While educating and training parents is important because they are part of their children's special education decision-making process, there is also a need to help families learn how to live with a member who has disabilities. In short, families need access to education, training and support not only to be effective advocates and helpers for their children but also to be strong and healthy families.

The department will fund innovative projects under this priority which emphasize training parents to be advocates for their children and better informed partners with school personnel in the special education decision-making process.

- **CSPD for Staff Development and Leadership Training**

The department is responsible for creating, maintaining and evaluating a comprehensive system of personnel development (CSPD) to ensure that all personnel necessary to carry out the purpose of IDEA and Subchapter V, Chapter 115, are qualified. The target audiences include not only special education instructional personnel but also all school personnel, other professionals and parents who identify and educate individuals with disabilities. Over the past several years the DPI has developed a CSPD framework for staff development and leadership training at the state, regional and local levels which allow the department to provide training, respond to issues and facilitate change.

During FY 1993-95 the department will maintain the existing CSPD framework so it can provide information, furnish needed training, supply leadership enhancement and facilitate change as it helps special and regular education teachers, support personnel, parents and other professionals.

In addition, the department will focus on improving inservice/information system capabilities and offering direct leadership and other support for training programs that respond to specific topical issues. Topical issues that will receive consideration for funding include school to community transition programming, strategies for implementing local CSPD programs, providing educational programs to children with special health conditions, high cost/difficult to serve children, parent-educator partnerships, and integrating children with disabilities and peers without disabilities. In addition, consideration will be given to the development of public awareness programs and to providing information and inservice to general educators and students without disabilities.

Local Educational Agency Allocations

Of the total amount of Part B funds granted to Wisconsin in each fiscal year, seventy-five percent will flow through to LEAs. The amount of funds to flow to each agency in each fiscal year will be based on the unduplicated child count of children with EEN receiving special education on December 1 of the previous fiscal year.

A LEA may submit an individual application for flow-through funds if the agency generates a minimum of $7,500 on the child count and if it is determined that the agency has established and maintains special education programs of sufficient size and scope to effectively meet the needs of children with all types of EEN conditions. A LEA which does not meet these requirements may participate with other LEAs in submitting a consolidated application.

The following description is an estimate of local flow-through applications over the three-year period covered by this plan. Given past experience it is expected these estimates will remain fairly constant.

	1992-93	1993-94	1994-95
Number of LEAs which will receive a flow-through allocation under a single application	207	207	207
Percentage of total LEAs in the state which will receive a flow-through allocation under a single application	47.5	47.5	47.5
Number of LEAs which will receive a flow-through allocation under a consolidated application	221	221	221
Number of consolidated applications	26	26	26
Average number of LEAs per consolidated application	8	8	8

XVI. ADDITIONAL INFORMATION

Provision of Direct Services

The DPI does not anticipate providing direct services under 34 CFR 300.360 of Part B since all eligible LEAs submit either individual applications or participate in a consolidated application. No LEA in Wisconsin is unable or unwilling to establish and maintain programs of FAPE to identified EEN students either as a direct operator or as an expediter of FAPE.

XVII. INTERAGENCY AGREEMENTS

Developing and Implementing Interagency Agreements

The DPI, the DHSS and the DOC have established an interagency management committee. This committee meets regularly to identify issues that are of mutual concern to the state agencies and the local agencies they supervise. When an issue is identified that requires a formal agreement among and/or between agencies, staff are assigned to develop a draft interagency agreement which is reviewed and possibly revised by the management committee and recommended to the State Superintendent of Public Instruction and the secretary of the DHSS and DOC. An example of an interagency agreement that was developed and implemented through this process is the "Joint Agreement: Department of Public Instruction and Department of Health and Social Services" that was reviewed and approved by OSEP on June 27, 1989.

The DPI has other interagency agreements with Head Start, DOC, and Division of Juvenile Corrections and Division of Vocational Rehabilitation, DHSS. Developed through an interagency process, these agreements describe the rules of each agency, define services/payments provided and establish procedures for dispute resolution. The DPI also has a procedure through which LEAs can secure reimbursement from agencies party to the agreements.

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XVIII. PERSONNEL STANDARDS

All personnel standards that are applicable to LEAs are contained in state statute and administrative code. State statute specifies the procedures for amending the statute and administrative code. The specific sections of the statutes and administrative code are most relevant to personnel standards are found in the following state statutes and administrative rules:

> Wisconsin Statutes, Section 121.02 School district standards. (1) Each school board shall:
> (a) Ensure that every teacher, supervisor, administrator and professional staff member holds a certificate, license or permit to teach issued by the department before beginning duties for such position.
> (b) Annually establish with school board employees a professional staff development plan designed to meet the needs of individuals or curriculum areas in each school.
>
> Wisconsin Statutes, Section 118.19 Teacher certificates and licenses. (1) Any person seeking to teach in a public school or in a school or institution operated by a county or the state shall first procure a certificate or license from the department.
>
> Wisconsin Administrative Code, Section PI 8.01(2)
> (a) Each school district board shall certify annually that every teacher, supervisor, administrator, and other professional staff member has been issued a valid certificate, license, or permit by the department for the position for which he/she is employed before beginning duties for such position and that a copy of the valid certificate, license, or permit is on file in the district.
> (b) Each school district board shall annually establish a professional staff development plan designed to meet the needs of individuals or curriculum areas in each school. The plan shall be developed with the cooperative efforts of licensed support staff, instructional staff, and administrative staff.
>
> Wisconsin Administrative Code provides for the issuance of an emergency teaching license. An emergency license may be issued at the request of an employing school district administrator if no fully-licensed candidates are available. If fully-licensed candidates are available, the request for an emergency license will be denied unless the administrator's justification clearly indicates why the fully-licensed candidates are unacceptable. An emergency license may be renewed upon the satisfactory completion by the applicant of a minimum of six semester credits in an approved higher education program between the date of issuance and the date of renewal.

Pursuant to state statute and administrative rule, the DPI has established a system for auditing compliance of personnel standards in LEAs and in teacher education institutions. These audits ensure that teacher education programs and LEAs are held to standards necessary for personnel to be appropriately and adequately prepared, trained and inserviced.

XVIII Personnel Standard

Addendum - July 20, 1992

The Wisconsin Department of Public Instruction (WDPI) has developed several major initiatives to significantly reduce and eliminate the emergency license for teachers (ELTs) in Wisconsin by September 1, 1998. The procedure that we are using is described in the State Plan Under Part B of the Individuals With Disabilities Education Act (IDEA) for FY 1993-95 (May 1992) pages 29-36, Chapter X-Comprehensive System of Personnel Development, two of six major areas of emphasis for 1993-95 are: 1) to improve recruitment, preservice training and retention of school personnel and 2) CSPD for staff development and leadership training. As also stated in the Wisconsin 1991-94 continuing Part D IDEA grant application abstract, a major activity is to increase the number of fully licensed teachers in Wisconsin in the area of special education, particularly in the areas of emotionally disturbed (ED), and learning disabilities (LD) to insure quality education to students with disabilities.

This personnel preparation initiative is a cooperative statewide effort involving the WDPI, local education agencies (LEAs) and teacher training institutions (IHEs). Steps for the forthcoming year include offering teachers fellowships for coursework; field support through an LEA based mentorship program; development and implementation of a portfolio review process; and the collaborative development with IHE staff of a highly individualized curriculum unique to the needs of ELTs. Major recruitment efforts across Wisconsin have included extensive information shared with local high schools advertising special education teaching as a viable and rewarding career.

The WDPI has made the ELT initiatives one of the highest priorities in Wisconsin. Through the above procedures and steps, by September 1, 1998 no individual providing special education or related services, pursuant to an emergency license, who do not meet entry-level academic degree requirements based upon the highest requirements in Wisconsin will be permitted to provide special education or related services in Wisconsin.

WDPI will notify public agencies and personnel of the steps and the timeline it has established for the retraining or hiring of personnel to meet professional requirements. WDPI will send information concerning its personnel preparation initiate to IHEs, LEAs, intermediate education agencies, appropriate state agencies, and professional organizations e.g., Wisconsin Council for Exceptional Children and its divisions, the Wisconsin Speech, Language and Hearing Association, the Wisconsin Council of Administrators of Special Education, the Council of Administrators of Pupil Services. Also WDPI will send information regarding its personnel preparation initiative to ELTs.

WISCONSIN
DPI
State of Wisconsin
Department of Public Instruction
125 South Webster Street, Madison, WI 53702 (608) 266-3390

Herbert J. Grover
State Superintendent

Mailing Address:
P. O. Box 7841
Madison, WI 53707-7841

June 5, 1992

Ms. Barbara Route
Office of Special Education Programs
U. S. Department of Education
400 Maryland Avenue, S.W.
Washington, DC 20202

Dear Ms. Route:

In a telephone conversation this morning, you requested some additional reference materials needed for your review of Wisconsin's FY93-95 State Program Plan. My notes show you specifically asked for the following:

- -- Section 118.19, Wis. Stats., Teacher Certificates and Licenses
- -- Section 121.02, Wis. Stats., State Education Standards
- -- Section PI 8.01(2)(a), Wis. Admin. Code, Rules for Licensure
- -- Information on Emergency Licenses
- -- Information on PT and OT Licensure Laws

The Wisconsin emergency license information is in Appendix X: PI 3--Certification on pages 17 and 18. The information on PT and OT is in Appendix U: Birth to 3, A Resource Guide; a chapter from that guide has been copied and enclosed for your convenience.

If you need more information or further clarification, please contact Sandra Berndt, Chief, Program Review and Compliance Section, at (608) 266-2841.

Sincerely,

DIVISION FOR HANDICAPPED CHILDREN
AND PUPIL SERVICES

Kenneth V. Brittingham

Kenneth V. Brittingham, Director
Bureau for Exceptional Children

KVB:arh

enclosures

cc: Sandra Berndt, Chief, Program Review and Compliance Section

MEMORANDUM

UNITED STATES DEPARTMENT OF EDUCATION
WASHINGTON, D.C. 20202

JUL 9 1992

TO: Sandra Berndt, Chief
Program Review and Compliance Section
Wisconsin Department of Public Instruction

FROM: Barbara A. Route B Route
Office of Special Education Programs

SUBJECT: Initial Review and Analysis of Wisconsin's State Plan for Fiscal Years 1993-1995

The Office of Special Education Programs has completed its initial review and analysis of Wisconsin's State Program Plan for Fiscal Years 1993-1995. Attached is a copy of the analysis which includes the revisions which are required as a result of the review conducted by this Office. These items require revisions which must be made to the body of your State plan documents.

This Office appreciates your cooperation in the State plan review process, and will make every effort to ensure a timely release of your Part B funds for the coming fiscal year.

Attachment

OSEP ANALYSIS OF WISCONSIN STATE PLAN FOR FY 1993-95

V. PROCEDURAL SAFEGUARDS

Incorporating the requirements of §§300.500-300.514 and 20 U.S.C §1415(d)(4)(e)(4)

REQUIREMENT	PLAN	STATUTE OR REGULATION	ISSUE OR QUESTION	ACTION REQUIRED BY OSEP
§300.504 Prior notice. (a) Notice. Written notice which meets the requirements under §300.505 must be given to the parents of a handicapped child a reasonable time before the public agency: (1) Proposes to initiate or change the identification, evaluation, or educational placement of the child or the provision of a free appropriate public education to the child, or (2) Refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of a free appropriate public education to the child.	Page IV-1 of the Local Level Hearing Handbook states that: The law requires the school to notify the parents before the school initiates or makes any changes in a child's identification, evaluation, educational placement, or free appropriate public education. The notice of the school's proposed action must describe what the school proposes to do, explain why the school wants to take this action, describe any options the school considered and the reasons those options were rejected, and describe any tests, reports, etc. that the school used as a basis for its decision. The notice must also explain the parents' right to appeal the proposed decision if they disagree with it, explain how an appeal is filed, and provide timelines for filing the appeal.		The Handbook sets forth the requirements of §300.504(a)(1), but omits the requirements of §300.504(a)(2).	Page 18 of the plan meets the requirements set forth at §300.504(a)(1) and (2). However, since the Handbook has been submitted as part of the State plan, and addresses the requirements of §300.504(a)(1), it must also address the requirements of §300.504(a)(2). Consequently, the Handbook must be amended to include the refusal language as required by §300.504(a)(2).
§300.508 Hearing rights. (a) Any party to a hearing has the right to: (2) Present evidence and confront, cross-examine, and compel the attendance of witnesses;	Page IV-14 of the Handbook states: The hearing officer may control or limit the questioning of witnesses where appropriate. Generally a party will be permitted to question a witness only through its attorney or representative.		The Handbook limits the questioning of a witness to a party's attorney. Consequently, a parent could not represent him/herself if one chose to as an option.	The Handbook must be amended to meet the requirement set forth at §300.508(a)(2) which states that any party to a hearing has the right to present evidence and confront, cross-examine, and compel the attendance of witnesses.

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REQUIREMENT	PLAN	STATUTE OR REGULATION	ISSUE OR QUESTION	ACTION REQUIRED BY OSEP
(4) Obtain a written or electronic verbatim record of the hearing;	Page 20 of the plan states: Any party to a hearing has the following rights: . . . to obtain a written or electronic verbatim record of the hearing. Page IV-3 and IV-11 of the Handbook state the same information as PI 11.10(5)(a)(5) and PI 11.11(5)(c). (See next column).	PI 11.10(5)(a)(5) states: The parties to a hearing have a right to obtain a written verbatim record of the hearing. The board may charge a reasonable fee for a copy of the transcript unless a parent requests a free copy based upon a showing of indigency or financial need. PI 11.11(5)(c) states: If additional testimony is taken, the parties have a right to obtain a copy of the written transcript from the State superintendent. The State superintendent may charge a reasonable fee for a copy of the transcript unless a party requests a free copy based upon a showing of indigency or financial need.	Section 300.508(a)(4) does not permit an agency to limit a parents' rights to obtain a written or electronic verbatim record of the hearing by imposing a cost. Therefore, a fee cannot be imposed on a parent regardless of whether the parent shows indigency or financial need.	Page IV-3 and IV-11 of the Handbook, PI 11.10(5)(a)(5) and PI 11.11(5)(c) must be amended to be consistent with the requirements at §300.508(a)(4). In order to meet this requirement, a fee cannot be imposed on a parent.
(5) Obtain written findings of fact and decisions. (The public agency shall transmit those findings and decisions, after deleting any personally identifiable information, to the State advisory panel established under Subpart F. The SEA must also make the findings and decision available to the general public after it has deleted any personally identifiable information, 20 USC §1415(d)(4).	Page 20 of the plan states: Any party to a hearing has the following rights: . . .to obtain written findings of fact and decisions. . .	Absent in both the statute and the administrative code.	The plan does not include language which states that the SEA must also make the findings and decision available to the general public after it has deleted any personally identifiable information.	The plan must be amended to include the requirement as set forth at §300.508(a)(5) and 20 USC §1415(d)(4).

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REQUIREMENT	PLAN	STATUTE OR REGULATION	ISSUE OR QUESTION	ACTION REQUIRED BY OSEP
§300.512 Timeliness and convenience of hearings and reviews. (c) A hearing or reviewing officer may grant specific extensions of time beyond the periods set out in paragraphs (a) of this section at the request of either party.	Page 20 of the plan states: The hearing officer may grant specific extensions of time at the request of either party or if the hearing officer deems it necessary.	PI 11.10(4)(b) states: The hearing officer may grant specific extensions of time beyond the 45-day time period at the request of either party.	The plan incorrectly permits a hearing officer to extend the timeline although neither party has requested an extension. (Procedures for review are set forth correctly in the plan and regulations.)	The plan must be amended to comply with the requirement set forth at §300.512(c) which states that a hearing officer may grant specific extensions of time beyond the period set out in paragraphs (a) of this section at the request of either party.
§300.513 Child's status during proceedings. (a) During the pendency of any administrative or judicial proceeding regarding a complaint, unless the public agency and the parents of the child agree otherwise, the child involved in the complaint must remain in his or her present educational placement.	Page 20 of the plan states: Unless otherwise agreed upon by the parents and the public agency, including the DPI, the child will remain in his or her present educational placement until completion of any administrative or judicial proceedings.	115.81(3) states: The school board may not change the educational placement of a child with exceptional educational needs who is the subject of a hearing, appeal or court proceeding conducted under this subchapter during the pendency of the hearing, appeal or court proceeding unless the change is made with the written consent of the child's parent. In addition, PI 11.13(1) states: During the pendency of a hearing under s. PI 11.10, an appeal under s. PI 11.11, or a court proceeding arising from s. PI 11.11, unless the board and the parent agree otherwise, the child who is the subject of the hearing, appeal or proceeding shall remain in his or her current educational placement.	The plan states that DPI will be included as one of the parties which must agree if a child will not remain in his or her present educational placement until the completion of any administrative or judicial proceeding. However, 115.81(3) and PI 11.13(1) do not include DPI as one of the parties which must agree if a child will remain in his or her present educational placement until the completion of any administrative or judicial proceedings.	DPI must clarify whether DPI will be included as one of the parties which must agree if a child will not remain in his or her present educational placement until the completion of any administrative or judicial proceeding.

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VI. CONFIDENTIALITY OF PERSONALLY IDENTIFIABLE INFORMATION

Incorporating the requirements of §§300.560-300.576

REQUIREMENT	PLAN	STATUTE OR REGULATION	ISSUE OR QUESTION	ACTION REQUIRED BY OSEP
§300.575 Enforcement. The State educational agency shall describe in its annual program plan the policies and procedures, including sanctions which the State uses to ensure that its policies and procedures are followed and that the requirements of Part B and the Part B regulations are met.	Absent	Absent in both the statute and the administrative code.	There is no information in the plan, statute or administrative code regarding the requirement as set forth at §300.575.	The plan must be amended to include the policies and procedures required by §300.575.

VIII. PROTECTION IN EVALUATION PROCEDURES

Incorporating the Requirements of §§300.530-300.534

REQUIREMENT	PLAN	STATUTE OR REGULATION	ISSUE OR QUESTION	ACTION REQUIRED BY OSEP
§300.533 Placement procedures. (a) In interpreting evaluation data and in making placement decisions, each public agency shall: (2) Insure that information obtained from all of these sources is documented and carefully considered;	Page 26 of the plan states: The information obtained from these sources shall be documented by the individual team members.		The plan does not state that information obtained from all of these sources is carefully considered.	The plan must be amended to state that the information obtained from these sources shall be documented and carefully considered by the individual team members.

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IX. RESPONSIBILITY OF STATE EDUCATIONAL AGENCY

REQUIREMENT	PLAN	STATUTE OR REGULATION	ISSUE OR QUESTIONS	ACTION REQUIRED BY OSEP
§300.134 Responsibility of State educational agency for all educational programs. (b) The State must comply with paragraph (a) of this section through State statute, State regulation, signed agreement between respective agency officials, or other documents.			DPI has developed an interagency agreement with the Department of Corrections, but included only an unsigned draft in the plan.	DPI must revise the plan to include a signed copy of the interagency agreement between the Department of Corrections and DPI.

XI. PRIVATE SCHOOLS

Including Requirements of §§300.400-300.403 and §§300.450-300.452

REQUIREMENT	PLAN	STATUTE OR REGULATION	ISSUE OR QUESTIONS	ACTION REQUIRED BY OSEP
§300.452 Local educational agency responsibility. Each local educational agency shall provide special education and related services designed to meet the needs of private school children with disabilities residing in the jurisdiction of the agency.	Absent	Absent	Absent in the plan, statute, and the administrative code.	The plan must be amended to include the requirement set forth at §300.452.

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XII. RECOVERY OF FUNDS FOR MISCLASSIFIED CHILDREN

PLAN	PLAN	STATUTE OR REGULATION	ISSUE OR QUESTION	ACTION REQUIRED BY OSEP
§300.141 Recovery of funds for misclassified children. Policies and procedures which ensure that the State seeks to recover any funds under Part B of the Act for services to a child who is determined to be erroneously classified as eligible to be counted under section 611(a) or (d) of the Act. §300.754 Annual report of children served -- other responsibilities of the State educational agency. In addition to meeting the other requirements in this subpart, the State educational agency shall: (a) Establish procedures to be used by local educational agencies and other educational institutions in counting the number of disabled children receiving special education and related services; . . . (c) Obtain certification from each agency and institution that an unduplicated and accurate count has been made; . . . (e) Insure that documentation is maintained which enables the State and the Secretary to audit the accuracy of the count.	Absent	Absent	The plan does not provide a description of the procedures which the State will use to verify the accuracy of Part B child count data submitted by local education agencies.	The plan must be amended to include a description of the procedures which the State will use to verify the accuracy of Part B child count data submitted by local education agencies.

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XIII. NOTICE AND OPPORTUNITY FOR HEARING ON LEA APPLICATION

REQUIREMENT	PLAN	STATUTE OR REGULATION	ISSUE OR QUESTION	ACTION REQUIRED BY OSEP
§76.401 Disapproval of an application - opportunity for a hearing. (d) The State education agency shall provide an opportunity for a hearing before the agency disapproves the application in accordance with the following procedures. (5) If the SEA does not rescind its final action after a review, the applicant may appeal to the Secretary. The applicant shall file a notice of the appeal with the Secretary within 20 days after the applicant has been notified by the SEA of the results of the agency's review. If supported by substantial evidence, findings of fact of the SEA are final.	Page 40 of the plan states: If the department does not rescind its final action after review, the LEA may appeal to the secretary within 20 days after it has been notified of the department's ruling.	Absent	The plan does not state that if supported by substantial evidence, findings of fact of the SEA are final.	The plan must be amended to include if supported by substantial evidence, findings of fact of the SEA are final.

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XIV. ANNUAL EVALUATION

REQUIREMENT	PLAN	STATUTE OR REGULATION	ISSUE OR QUESTION	ACTION REQUIRED BY OSEP
§300.146 Annual evaluation. Each annual program plan must include procedures for evaluation at least annually of the effectiveness of programs in meeting the educational needs of children with disabilities, including evaluation of individualized education programs.	Page 41 of the plan states: The State of Wisconsin has several procedures in place to annually evaluate the effectiveness of programs in meeting the educational needs of handicapped children including evaluation of IEPs.		The plan does not include the procedures for the evaluation of individualized education programs.	The plan must be amended to include procedures for the evaluation of individualized education programs.

XVII. INTERAGENCY AGREEMENTS

REQUIREMENT	PLAN	STATUTE OR REGULATION	ISSUE OR QUESTION	ACTION REQUIRED BY OSEP
§300.152 Interagency agreements. (b)(2) Provide for the development and implementation of interagency agreements that --	Absent		There is a draft interagency agreement between the DPI and the Department of Corrections (DOC). In addition, none of the interagency agreements include information required by §300.152(b)(2)(iii).	DPI must submit to OSEP information regarding when the interagency agreement between DPI and the DOC will become final. Once the interagency is final, DPI must submit to OSEP a copy of the final signed agreement. In addition, all of the interagency agreements must be amended to include the information set forth at §300.152(b)(2)(iii).
(i) Define the financial responsibility of each agency for providing children with disabilities with free appropriate public education;				
(ii) Establish procedures for resolving interagency disputes among agencies that are parties to the agreements; and	Absent			
(iii) Establish procedures under which local educational agencies may initiate proceedings in order to secure reimbursement from agencies that are parties to the agreement or otherwise implement the provisions of the agreement.				

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XVIII. PERSONNEL STANDARDS

REQUIREMENT	PLAN	STATUTE OR REGULATION	ISSUE OR QUESTION	ACTION REQUIRED BY OSEP
§300.153 Personnel Standards (b)(1) Each State plan must include policies and procedures relating to the establishment and maintenance of standards to ensure that personnel necessary to carry out the purposes of this part are appropriately and adequately prepared and trained. (2) The policies and procedures required in paragraph (b)(1) of this section must provide for the establishment and maintenance of standards that are consistent with any State approved or recognized certification, licensing, or other comparable requirements that apply to the profession or discipline in which a person is providing special education or related services.	The plan references Wisconsin statutes, s. 121.02, 118.19, and the Wisconsin Administrative Code, s.PI 8.01(2).	Sections 121.02 and 118.19 are not included as part of the State plan.	Sections 121.02 and 118.19 are not included as part of the State plan.	Sections 121.02 and 118.19 must be submitted to OSEP for review.
(c) To the extent that a State's standards for a profession or discipline, including standards for temporary or emergency certification, are not based on the highest requirements in the State applicable to a specific profession or discipline, the State plan must include the steps the State is taking and the procedures for notifying public agencies and personnel of those steps and the timelines it has established for the retraining or hiring of personnel to meet appropriate professional requirements in the State.	Page 52 of the plan states: Wisconsin Administrative Code provides for the issuance of an emergency teaching license. An emergency license may be issued at the request of an employing school district administrator if no fully-licensed candidates are available.		OSEP cannot determine whether individuals are permitted to provide special education or related services, pursuant to an emergency license who do not meet entry-level academic degree requirements based upon the highest requirements in the State for the relevant profession or discipline.	The DPI must revise the plan to include the steps DPI is taking and the procedures for notifying public agencies and personnel of those steps and the timelines it has established for the retraining or hiring of personnel to ensure that no individuals provide special education or related services, pursuant to an emergency license who do not meet entry-level academic degree requirements based upon the highest requirements in the State for the relevant profession or discipline. This must include a date after which individuals will no longer be permitted to provide special education or related services although they do not meet the relevant entry-level academic degree requirement.

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WISCONSIN DEPARTMENT OF
PUBLIC INSTRUCTION
P.O. BOX 7841
MADISON, WI 53707-7841

FAX #: (608) 267-1052

TO: Barbara Rote

Telephone #: (202) 205-9029

Agency/Region: OSEP

Telefax Telephone #: (202) 205-9179

Subject: State Plan: Stats. 227.45 (8)

From: Sandra Berndt

Telephone #: (608) 266-2841

Date: July 17, 1992

Number of Pages to Follow:
(Including Cover Sheet) 2

(c) A short and plain statement of the matters asserted. If the matters cannot be stated with specificity at the time the notice is served, the notice may be limited to a statement of the issues involved.

(2m) Any person whose substantial interest may be affected by the decision following the hearing shall, upon the person's request, be admitted as a party.

(3) Opportunity shall be afforded all parties to present evidence and to rebut or offer countervailing evidence.

(4) (a) In any action to be set for hearing, the agency or hearing examiner may direct the parties to appear before it for a conference to consider:

1. The clarification of issues.

2. The necessity or desirability of amendments to the pleadings.

3. The possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof.

4. The limitation of the number of witnesses.

5. Such other matters as may aid in the disposition of the action.

(b) The agency or hearing examiner presiding at a conference under this subsection shall make a memorandum for the record which summarizes the action taken at the conference, the amendments allowed to the pleadings and the agreements made by the parties as to any of the matters considered, and which limits the issues for hearing to those not disposed of by admissions or agreements of the parties. Such memorandum shall control the subsequent course of the action, unless modified at the hearing to prevent manifest injustice.

(5) Unless precluded by law, informal disposition may be made of any contested case by stipulation, agreed settlement, consent order or default. In any proceeding in which a hearing is required by law, if there is no such hearing, the agency or hearing examiner shall record in writing the reason why no such hearing was held, and shall make copies available to interested persons.

(6) The record in a contested case shall include:

(a) All applications, pleadings, motions, intermediate rulings and exhibits and appendices thereto.

(b) Evidence received or considered, stipulations and admissions.

(c) A statement of matters officially noticed.

(d) Questions and offers of proof, objections, and rulings thereon.

(e) Any proposed findings or decisions and exceptions.

(f) Any decision, opinion or report by the agency or hearing examiner.

(7) All staff memoranda and staff data, not admitted as evidence in a contested case, which are submitted to the hearing examiner or officials of the agency in connection with their consideration of the case, are not part of the official record but shall be made a part of the file and shall be served on all parties. Any party may, within 10 days of service of such memoranda or data, submit comments thereon to the examiner or officials and such comments shall also be served on all parties and placed in the file.

(8) A stenographic, electronic or other record of oral proceedings shall be made in any class 2 or class 3 proceeding and in any class 1 proceeding when requested by a party. Each agency may establish rules relating to the transcription of the record into a written transcript and the providing of free copies of the written transcript. Rules may require a purpose for transcription which is deemed by the agency to be reasonable, such as appeal, and if this test is met to the satisfaction of the agency, the record shall be transcribed at the agency's expense. Rules may require a showing of impecuniousness or financial need as a basis for providing a free copy of the transcript, otherwise a reasonable compensatory fee may be charged. If any agency does not promulgate such rules, then it must transcribe the record and provide free copies of written transcripts upon request. In any event, an agency shall not refuse to provide a written transcript if the person making the request pays a reasonable compensatory fee for the transcription and for the copy. This subsection does not apply where a transcript fee is specifically provided by law.

(9) The factual basis of the decision shall be solely the evidence and matters officially noticed.

History: 1975 c. 414; 1977 c. 26, 418; 1985 a. 182 ss. 32, 52, 55 (1); Stats. 1985 s. 227.44.

Hearing examiner did not abuse discretion in failing to use interpreter. Kropiwka v. DILHR, 87 W (2d) 709, 275 NW (2d) 881 (1979).

Reprimand may be imposed only after affording opportunity for hearing as provided for in a class 2 contested case. 67 Atty. Gen. 188.

227.45 Evidence and official notice. In contested cases:

(1) Except as provided in s. 19.52 (3), an agency or hearing examiner shall not be bound by common law or statutory rules of evidence. The agency or hearing examiner shall admit all testimony having reasonable probative value, but shall exclude immaterial, irrelevant or unduly repetitious testimony. The agency or hearing examiner shall give effect to the rules of privilege recognized by law. Basic principles of relevancy, materiality and probative force shall govern the proof of all questions of fact. Objections to evidentiary offers and offers of proof of evidence not admitted may be made and shall be noted in the record.

(2) All evidence, including records and documents in the possession of the agency or hearing examiner of which the agency or hearing examiner desires to avail himself or herself, shall be duly offered and made a part of the record in the case. Every party shall be afforded adequate opportunity to rebut or offer countervailing evidence.

(3) An agency or hearing examiner may take official notice of any generally recognized fact or any established technical or scientific fact; but parties shall be notified either before or during the hearing or by full reference in preliminary reports or otherwise, of the facts so noticed, and they shall be afforded an opportunity to contest the validity of the official notice.

(4) An agency or hearing examiner shall take official notice of all rules which have been published in the Wisconsin administrative code or register.

(5) Documentary evidence may be received in the form of copies or excerpts, if the original is not readily available. Upon request, parties shall be given an opportunity to compare the copy with the original.

(6) A party may conduct cross-examinations reasonably required for a full and true disclosure of the facts.

(6m) A party's attorney of record may issue a subpoena to compel the attendance of a witness or the production of evidence. A subpoena issued by an attorney must be in substantially the same form as provided in s. 805.07 (4) and must be served in the manner provided in s. 805.07 (5). The attorney shall, at the time of issuance, send a copy of the subpoena to the appeal tribunal or other representative of the department responsible for conducting the proceeding.

(7) In any class 2 proceeding, each party shall have the right, prior to the date set for hearing, to take and preserve evidence as provided in ch. 804. Upon motion by a party or by the person from whom discovery is sought in any class 2 proceeding, and for good cause shown, the hearing examiner may make any order in accordance with s. 804.01 which justice requires to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense. In any class 1 or class 3 proceeding, an agency may by rule

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WISCONSIN
DPI
State of Wisconsin
Department of Public Instruction
125 South Webster Street, Madison, WI 53702 (608) 266-3390

Herbert J. Grover
State Superintendent

Mailing Address:
P. O. Box 7841
Madison, WI 53707-7841

July 20, 1992

Ms. Barbara Route
Office of Special Education Programs
U. S. Department of Education
400 Maryland Avenue, S.W.
Washington, DC 20202

Dear Ms. Route:

Please find enclosed the following corrections to Wisconsin's State Plan for FY 93-95:

1. Requirement: 300.504 Prior Notice
   WI Response: Revised page IV-I of the Local Level Hearing Handbook.

2. Requirement: 300.508 Hearing Rights (a)(2)
   WI Response: Revised page IV-14 of the Local Level Hearing Handbook.

3. Requirement: 300.508 Hearing Rights (a)(4)
   WI Response: Submitted law and rules for review by OSEP. see 1/22 letter

4. Requirement: 300.508 Hearing Rights (a)(5)
   WI Response: Revised page 20 of the State Plan

5. Requirement: 300.512 Timelines
   WI Response: Revised page 20 of the State Plan

6. Requirement: 300.513 Child's Status
   WI Response: Revised page 20 of the State Plan

7. Requirement: 300.575 Enforcement
   WI Response: Submitted law and rules for review by OSEP

8. Requirement: 300.533 Placement procedures
   WI Response: Revised page 26 of the State Plan

9. Requirement: 300.134 Responsibility of SEA
   WI Response: Will have signed DOC/DPI joint agreement to OSEP by July 31, 1992.

10. Requirement: 300.452 LEA Responsibility
    WI Response: Revised page 37 of the State Plan

11. Requirement: 300.141 Recovery of Funds
    WI Response: Revised page 39 of the State Plan

12. Requirement: 76.40 Disapproval of an Application
    WI Response: Revised page 40 of the State Plan

13. Requirement: 300.146 Annual Evaluation
    WI Response: Submitted "Record Review Checklist for IEPs" from monitoring checklist.

14. Requirement: 300.152 Interagency Agreement
    WI Response: Will have signed DOC/DPI joint agreement to OSEP by July 31, 1992.

15. Requirement: 300.153 Personnel Standards (b)(1) & (2)
    WI Response: Submitted law and rules for review by OSEP

16. Requirement: 300.153 Personnel Standards (c)
    WI Response: Addendum to page 52 of the State Plan

If you need more information or further clarification, please contact Sandra Berndt, Chief, Program Review and Compliance Section at (608) 266-2841.

Sincerely,

DIVISION FOR HANDICAPPED CHILDREN
AND PUPIL SERVICES

Kenneth V. Brittingham

Kenneth V. Brittingham, Director
Bureau for Exceptional Children

KVB:arh

enclosures

cc: Sandra Berndt, Chief, Program Review and Compliance Section

Review Checklist To Evaluate Individualized Education Programs

IEP PROCESS

				State Regulatory	Federal Citation
1.	Y	N	M-team report(s) available prior to IEP meeting	11.05(2)(a)	
2.	Y	N	Invitation to parents (annual) ________	11.05(3)(a)	.504(a)
	Y	N	a. Parent rights	11.09(1)(d)4.	.505(a)(1)
	Y	N	b. Description of action proposed, explanation, options	11.09(1)(d)1.	.505(a)(2)
	Y	N	c. Description of basis for action	11.09(1)(d)2.	.505(a)(3)
	Y	N	d. Description of other factors	11.09(1)(d)3.	.505(a)(4)
	Y	N	e. Written in language understandable to public	11.09(1)(a)	.505(b)(1)
	Y	N	f. Provided in parent's native language	11.09(1)(a)	.505(b)(2)
	Y	N	g. If language not written, translated, parent understands	11.09(1)(b)	.505(c)
	Y	N	h. Effective evaluation consent ________	11.09(1(c)	
	Y	N	i. Effective placement consent ________	11.09(1)c)	
	Y	N	j. Consent is voluntary	11.09(1)(c)1.	.500(c)
	Y	N	k. Consent needed for preplacement evaluation	11.09(1)(c)2.	.504(b)(1)
	Y	N	l. Consent needed for initial placement	11.09(1)(c)2.	.504(b)(1)
	Y	N	m. Consent in effect until revoked	11.09(1)(c)3.	
	Y	N	n. Right to revoke consent	11.09(1)(c)4.	.500(c)
	Y	N	o. Effect of revoking consent	11.09(1)(c)5.	
	Y	N	p. Board's right to hearing to override revocation/refusal	11.09(1)(c)6.	.504(c)(1)
	Y	N	q. Sent reasonable time prior (10 days or parent attends)	11.05(3)(a)	.345(a)(1)
		N	r. Includes date______ time_______ location____________	11.05(3)(a)1.	.345(b)
		N	s. Describes purpose of meeting	11.05(3)(a)2.	.345(b)
		N	t. Must be scheduled at time and place mutually agreed	11.05(3)(a)1.	.345(a)(2)
	Y	N	u. Names and titles of persons who will attend	11.05(3)(a)3.	.345(b)
	Y	N	v. Parent may bring other people	11.05(3)(a)4.	
3.	Y	N	Conference (w/in 30 days of M-team report approval)________	11.05(2)(a)	.343(c)
4.	Y	N	If parent not attend, record of participation	11.05(3)(b)	.345(c)
5.	Y	N	If parents not participate, record of attempts to involve	11.05(3)(c)	.345(d)
6.	Y	N	Participants		

Name	Title	Role	Notice	State Regulatory	Federal Citation
		Parent		11.05(2)(b)3.	.344(a)(3)
		Child		11.05(2)(b)4.	.344(a)(4)
		Teacher	_____	11.05(2)(b)2.	.344(a)(2)
		Board Rep.	_____	11.05(2)(b)1.	.344(a)(1)
		Evaluator	_____	11.05(2)(b)5.	.344(b)
		Private Schl Rep.	_____	11.05(2)(b)6. & 7.	.347(a) .348(b)
			_____		
		Other Individuals	_____	11.05(2)(b)8.	.344(a)(5)

				State Regulatory	Federal Citation
7.	Y	N	All school participants named in notice	11.05(3)(a)3.	.345(b)
8.	Y	N	IEP reviewed at least annually	11.05(5)(a)	.343(d)
9.	Y	N	Parent and board approve changes for private spec. ed.	11.05(5)(b)	.347(b)(2)
10.	Y	N	Interpretor provided, if necessary	11.05(3)(d)	.345(e)
11.	Y	N	Parent provided with copy on request		.345(f)

I NTENT

12		N	Participation in regular education programs	11.05(4)(a)3..346(c)
13.	Y	N	Present level of educational performance for each goal	11.05(4)(a)1..346(a)
14.	Y	N	Annual goals (related to present level)	11.05(4)(a)2..346(b)
15.	Y	N	Short-term objectives (measurable, intermediate steps)	11.05(4)(a)2..346(b)
16.	Y	N	Related services (amt for each; no range; PT/OT frequency)	11.05(4)(a)(4).346(c)
17.	Y	N	Spec education (amt for each; no range; speech frequency)	11.05(4)(a)(4).346(c)
18.	Y	N	Statement of transition services (16 or older)	20 USC Ch. 33 1401(a)(20)(D)
19.	Y	N	Projected date(s) initiation and duration of service(s)	11.05(4)(a)5..346(d)
20.			Evaluation of objectives	11.05(4)(a)6..346(e)
	Y	N	a. objective criteria	
	Y	N	b. schedule for evaluating STO's	
	Y	N	c. procedures for evaluating STO's	

State of Wisconsin
Department of Public Instruction
125 South Webster Street, Madison, WI 53702 (608)266-3390 / (608)267-2427 TDD

Herbert J. Grover
State Superintendent

Mailing Address:
P. O. Box 7841
Madison, WI 53707-7841

July 22, 1992

Ms. Barbara Route
Office of Special Education Programs
U. S. Department of Education
400 Maryland Avenue SW
Washington, DC 20202

Dear Ms. Route:

Enclosed please find the remaining three items necessary to complete Wisconsin's corrective action plan in effect as a result of OSEP's December 1989 monitoring report.

1. Due Process: Enclosed are two versions of the parent and child rights brochure. One is a revised version of the brochure submitted to OSEP. The second one is a "user-friendly" version for your review and comment.

appendix A
attached

2. General Supervision: Enclosed is the statutory language and an outline for child caring institutions. The outline has been revised since verbally approved by OSEP on May 14, 1992. These changes are the result of meetings held with county, CCI, and advocacy organizations in Wisconsin. These statutory language and rules will be introduced in the Spring 1993 legislative session.

3. LRE: Enclosed is the bulletin and rule changes to clarify the placement group. The rules will be introduced in the Spring 1993 legislative session. The bulletin would be sent to the field after these rules are promulgated.

If you need more information or further clarification, please contact Sandra Berndt, Chief, Program Review and Compliance Section, at (608) 266-2841.

Sincerely,

DIVISION FOR HANDICAPPED CHILDREN
AND PUPIL SERVICES

Kenneth V. Brittingham

Kenneth V. Brittingham, Director
Bureau for Exceptional Children

KVB:arh
enclosures
cc: Sandra Berndt, Chief, Program Review and Compliance Section

WISCONSIN
DPI
State of Wisconsin
Department of Public Instruction
125 South Webster Street, Madison, WI 53702 (608)266-3390 / (608)267-2427 TDD

Herbert J. Grover
State Superintendent

Mailing Address:
P. O. Box 7841
Madison, WI 53707-7841

July 22, 1992

Ms. Barbara Route
Office of Special Education Programs
U. S. Department of Education
400 Maryland Avenue SW
Washington DC 20202

Dear Ms. Route:

As per your telephone conversation with Sandra Berndt on July 21, 1992, it is my understanding that all corrections to Wisconsin's State Plan under IDEA for FY93-95 have been approved except for the following concerns. Assurances are being given to address each of these concerns.

Requirement: 34 CFR 300.508(a)(4)
WI Response: Changes will be made in s.PI 11.10(5)(a)(5), Wis. Admin. Code, to include that parents will be able to obtain a written verbatim record of the hearing at no cost. Changes will be made in s.PI 11.11(5)(c), Wis. Admin. Code, to include that parents will be able to obtain a copy of the written transcript from the State Superintendent at no cost. These changes have been made on pages IV-3 and IV-11 (now IV-10) of the Local Level Hearing Handbook, and are enclosed. Rule changes will be introduced in the Spring 1993 legislative session. The rule changes will be submitted to OSEP upon promulgation of these rules.

Requirement: 34 CFR 300.152
WI Response: All interagency agreements will be reviewed and will be amended to include the requirements of 34 CFR 300.152. These will be completed by June 1, 1993, and submitted to OSEP at that time.

Requirement: 34 CFR 300.508(a)
WI Response: A revised page IV-14 (now IV-13) of the Local Level Hearing Handbook is enclosed.

Requirement: 34 CFR 300.153(c)
WI Response: Section XVIII. Personnel Standards Addendum, page 52A, of the state plan has been revised to include procedures for notifying public agencies and personnel, and is enclosed.

The Wisconsin Department of Public Instruction (WDPI) assures that as soon as possible but no later than July 1, 1993, the WDPI will complete all of the state plan statutory and regulatory changes set forth in the July 9, 1992, letter from the Office of Special Education Programs to the WDPI.

The WDPI assures that it will take steps to ensure that throughout the period of the IDEA-B Fiscal Year 93 grant award all public agencies in Wisconsin that provide special education and related services to children with disabilities will operate their programs in a manner fully consistent with Part B of the Individuals with Disabilities Education Act, including those areas in which the current state statutes and regulations do not conform to the IDEA-Part B requirements.

The WDPI further assures that by no later than September 1, 1992, the WDPI will send a memorandum to those agencies informing them that they must operate their programs in a manner fully consistent with IDEA-Part B, and simultaneously send a copy of that memorandum to OSEP.

If you need more information or further clarification, please contact Sandra Berndt, Chief, Program Review and Compliance Section, at (608) 266-2841.

Sincerely,

DIVISION FOR HANDICAPPED CHILDREN
AND PUPIL SERVICES

Kenneth V. Brittingham

Kenneth V. Brittingham, Director
Bureau for Exceptional Children

KVB:arh

cc: Sandra Berndt, Chief, Program Review and Compliance Section

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF SPECIAL EDUCATION AND
REHABILITATIVE SERVICES

AUG 6 1992

AUG 1 0 1992

Honorable Herbert J. Grover
Superintendent of Public Instruction
State Department of Public Instruction
125 South Webster Street
Post Office Box 7841
Madison, Wisconsin 53707

Dear Superintendent Grover:

I am pleased to inform you that Wisconsin's State Plan for fiscal years (FY) 1993-95 under Part B of the Individuals with Disabilities Education Act (Part B) has been conditionally approved. Therefore, it is my pleasure to enclose your State's Part B grant award for FY 1993.

Our conditional approval of your State plan is based on our review and acceptance of the following documents submitted by the Wisconsin Department of Public Instruction (WDPI) to the Office of Special Education Programs (OSEP):

(1) The Part B State Plan for FY 1993-95, including documentation that the State has in effect a policy which assures the availability of a free appropriate public education for all children with disabilities, aged 3 through 5.

(2) Additional letters and attachments (dated July 17, July 20, July 22 (two letters), and July 24, 1992) that respond to OSEP's July 9, 1992 list of required changes in the Plan.

In the July 22, 1992 letters from WDPI to OSEP, WDPI assures that as soon as possible, but no later than July 1, 1993, it will complete all of the State plan, statutory and regulatory changes set forth in OSEP's July 9, 1992 letter to WDPI and the statutory change required to be consistent with the Part B placement requirements.

In one of the July 22, 1992 letters, WDPI also assures that it will take steps to ensure that, throughout the period of this FY 1993 grant award, all public agencies in the State that provide special education and related services to children with disabilities will operate their programs in a manner fully consistent with Part B, including those areas in which the current State statutes and regulations do not conform to the Part B requirements. WDPI further assures that, no later than September 1, 1992, it (a) will send a

400 MARYLAND AVE. S.W. WASHINGTON, D.C. 20202-2651

memorandum to those agencies informing them that they must operate their programs in a manner fully consistent with Part B, and (b) will simultaneously submit a copy of that memorandum to OSEP.

(3) Your signed assurance statement regarding implementation of the new Part B State plan requirements that were added by P.L. 101-476 and P.L. 102-119.

The documents identified in the preceding paragraph, together with this conditional approval letter, collectively constitute Wisconsin's conditionally approved Part B State Plan for FY 1993-95. Therefore, all of the documents referenced above and this conditional approval letter must be appended to your copies of the FY 1993-95 State Plan. WDPI must indicate in the beginning of the plan that these documents have been placed in an appendix.

As part of its FY 1993-95 Part B State Plan, your agency has made assurances required by 34 CFR §76.101, including the following: (1) "the State agency has the authority under State law to perform the functions of the State under the [Part B] program;" and (2) "the plan is the basis for State operation and administration of the program" (see 34 CFR §§76.104(a)(2) and 76.104(a)(8)). The enclosed Part B grant award for FY 1993 is made with the understanding that the assurances made by your agency pursuant to 34 CFR §76.104 mean that your agency has, and will exercise, the authority to ensure that all public agencies in the State comply with all provisions of the plan; and that those agencies have been informed that they must comply with any additional requirements that your agency has established in the plan that are not also set forth in State statute or regulation.

I would like to remind you of the post-approval notification provision in 34 CFR §300.284, which requires your agency to "give notice in newspapers or other media, or both, that the plan is approved. The notice must name places throughout the State where the plan is available for access by any interested persons." Once the notice has been published, a copy should be submitted to OSEP.

The following paragraphs describe the actions that your agency must take to enable the State plan to move from conditional to full approval:

> As soon as your agency has prepared drafts of the revised State plan documents, copies of those documents (e.g., proposed regulations and legislative bills) should be submitted to OSEP for review to ensure that they meet all of the conditions necessary for full approval.

U.S. DEPARTMENT OF EDUCATION
WASHINGTON, D.C. 20202

OFFICE OF SPECIAL EDUCATION
AND
REHABILITATIVE SERVICES

GRANT AWARD NOTIFICATION

1 RECIPIENT NAME

WI STATE DEPT. OF PUBLIC INSTR.

125 SO. WEBSTER ST./P.O. BOX 7841
MADISON, WI 53707

2 PROJECT TITLE

Grants to States for the Education of Children with Disabilities - State Grants

3 EDUCATION STAFF

Please direct program inquiries to
Thomas B. Irvin (202)205-8825
U.S. Department of Education
MES Building, Room 3625
400 Maryland Avenue, SW
Washington, DC. 20202

Please direct financial inquiries to
Marion Winston (202)401-1504
U.S. Department of Education
FOB-6, Room 3083
400 Maryland Avenue, SW
Washington, DC. 20202

4 AWARD INFORMATION

PR/AWARD NUMBER	H027A20064
ACTION NUMBER	01
ACTION TYPE	NEW
AWARD TYPE	FORMULA

5 AWARD PERIODS

BUDGET PERIOD	07/01/92 - 09/30/94
PROJECT PERIOD	07/01/92 - 09/30/94

6 AUTHORIZED FUNDING

CURRENT AWARD AMOUNT	35,942,408
CUMULATIVE AMOUNT	35,942,408
RECIPIENT COST SHARE	0%

7 ADMINISTRATIVE INFORMATION

PAYMENT METHOD	ED PMS
ENTITY NUMBER	1-396006487-A1
STATE APPL ID #	
ATTACHMENTS	LETTER

8 LEGISLATIVE & FISCAL DATA

AUTHORITY: Individuals with Disabilities Education Act
PROGRAM TITLE: State Grants CFDA 84.027A

APPROPRIATION	FY	CAN	OBJECT CLASS	AMOUNT
91 2/30300	92	E001110	4110	35,942,408

9 TERMS AND CONDITIONS OF AWARD

When issuing statments, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees, receiving Federal funds, including but not limited to State and local governments, shall clearly state (1) the percentage of the total costs of the program or project which will be financed with Federal money, (2) the dollar amount of Federal funds for the project or program and (3) percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

Dr. Robert Davila
AUTHORIZED OFFICIAL

8/6/92
DATE

Ver. 1

ED - OCS 007 (11/88)

PLEASE SEE OTHER SIDE FOR MORE INFORMATION

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EXPLANATION OF BLOCKS ON THE GRANT AWARD NOTIFICATION

FOR DISCRETIONARY, FORMULA, AND BLOCK GRANTS

(See Block 4 of the Notification)

1. **RECIPIENT NAME** - Legal name of the recipient, name of the primary organizational unit that will undertake the funded activity, and the complete address of the recipient. The recipient is commonly known as the 'grantee.'

*2. **PROJECT TITLE** - A brief description of the project that includes the Catalog of Federal Domestic Assistance (CFDA) title and/or the project title as shown on the grant application form, the date(s) of the application, and any negotiated amendments.

*3. **PROJECT STAFF** - This block contains the names and telephone numbers of the U.S. Department of Education and recipient staff who are responsible for project direction and oversight.

  *__RECIPIENT PROJECT DIRECTOR__ - The recipient staff person responsible for administering the project. This person represents the recipient to the U.S. Department of Education.

  *__EDUCATION PROGRAM STAFF__ - The U.S. Department of Education staff person responsible for the programmatic concerns of the Department.

  *__EDUCATION GRANTS STAFF__ - The U.S. Department of Education staff person responsible for the administrative and business-management concerns of the Department.

4. **AWARD INFORMATION** - Unique items of information that identify this notification.

  PR/AWARD NUMBER - A unique, identifying number assigned by the Department to each application. On funded applications, this is commonly known as the 'grant number.'

  ACTION NUMBER - A numeral that represents the cumulative number of steps taken by the Department to date to establish or modify the award through fiscal or administrative means. Action number '01' will always be 'NEW AWARD.'

  ACTION TYPE - The nature of this notification (e.g., NEW AWARD, CONTINUATION, REVISION, ADMINISTRATIVE).

  AWARD TYPE - The particular assistance category in which funding for this award is provided, i.e., DISCRETIONARY, FORMULA, or BLOCK.

5. **AWARD PERIODS** - Project activities and funding are approved with respect to two different time periods, described below:

  BUDGET PERIOD - A specific portion of time for which Federal funds are being provided from a particular fiscal year to fund a recipient's approved budget. The start and end dates of the budget period are shown.

  PROJECT PERIOD - The complete length of time for approved activities, from the start date of the first budget period to the projected end date of the final budget period. A project period may contain one or more budget periods.

6. **AUTHORIZED FUNDING** - The dollar figures in this block refer to the *Federal* funds provided to a recipient during the award periods.

  *__THIS ACTION__ - The amount of funds obligated (added) or de-obligated (subtracted) by this notification.

  *__CARRY-OVER__ - The amount of funds, remaining from the previous budget period, that are authorized by the Grants Officer for use in the current budget period. This item does not appear on all notifications.

  *__BUDGET PERIOD__ - The total amount of funds of all obligations during the stated budget period, plus any authorized carry-over.

  *__PROJECT PERIOD__ - The amount of funds obligated from the start date of the first budget period to this date. This amount does *not* include carry-over.

  RECIPIENT COST-SHARE - The funds, expressed as a percentage, that the recipient is required to contribute to the project, as defined by the program legislation or regulations and/or the terms and conditions of the award.

7. **ADMINISTRATIVE INFORMATION** - This information is provided to assist the recipient in completing the approved activities and managing the project in accordance with U.S. Department of Education procedures and regulations.

  PAYMENT METHOD - The means by which Federal funds are transferred to a recipient's account. *Most* grants are paid through the U.S. Department of Education Payment Management System (EDPMS).

  ENTITY NUMBER - A unique, identifying number that the Department assigns to each recipient for payment purposes. The number is based on the recipient's Internal Revenue Service tax identification number.

  *__REGULATIONS__ - The parts of the Education Department General Administrative Regulations (EDGAR) and specific program regulations that govern the award and administration of this grant.

  *__ATTACHMENTS__ - Additional sections of the Grant Award Notification that discuss payment and reporting requirements, explain Department procedures, and add special terms and conditions in addition to those established in Block 9 of the award. Any attachments provided with a notification continue in effect through the project period until modified or rescinded by the Grants Officer.

8. **LEGISLATIVE AND FISCAL DATA** - This block gives the name of the authorizing legislation for this grant, the CFDA title of the program through which funding is provided, and U.S. Department of Education fiscal information.

  APPROPRIATION, FY, CAN, OBJECT CLASS - The fiscal information recorded by the U.S. Department of Education accounting system to track obligations by award.

  AMOUNT - The amount of funds provided from a particular appropriation and common accounting number (CAN). Some notifications authorize more than one amount from separate appropriations and/or CANs. The total of all amounts in this block equals the amount shown on the line, 'THIS ACTION' (see 'AUTHORIZED FUNDING' above (Number 6)).

9. **TERMS AND CONDITIONS OF AWARD** - Requirements of the award that are binding on the recipient.

  *__GRANTS OFFICER__ - The U.S. Department of Education official authorized to award Federal funds to the recipient, establish or change the terms and conditions of the award, and authorize modifications to the award.

FOR FORMULA AND BLOCK GRANTS ONLY:

(See also Numbers 1, 4, 5, & 8 above)

2. **PROJECT DESCRIPTION** - A brief statement that identifies the date of the application, the Catalog of Federal Domestic Assistance (CFDA) title, and any amendments.

3. **EDUCATION STAFF** - The U.S. Department of Education staff persons to be contacted for programmatic and payment questions.

6. **AUTHORIZED FUNDING**

  CURRENT AWARD AMOUNT - The amount of funds that are obligated (added) or de-obligated (subtracted) by this action.

  PREVIOUS CUMULATIVE AMOUNT - The total amount of funds awarded under the grant before this action.

  CUMULATIVE AMOUNT - The total amount of funds awarded under the grant, this action included.

7. **STATE APPLICATION IDENTIFIER (SAI) NUMBER** - A twelve-character number assigned by a state clearinghouse to applications that require state review or that are covered by Executive Order 12372.

9. **TERMS AND CONDITIONS OF AWARD**

  AUTHORIZED OFFICIAL - The U.S. Department of Education staff person authorized to award Federal funds to the recipient, to establish or change the terms and conditions of the award, and to authorize modifications to the award.

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* This item differs or does not appear on formula and block grants.

99

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